

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11069 of 2025

1. Prashant Singh Son of- Harendra Singh, Resident of Village- Mirjapur Ramgarha, P.O. Ramgarha, Police Station Awatarnagar, District Saran at Chapra.
2. Amitesh Rai Son of-Surendra Rai, Resident of Village Tola Palat Rai, P. O.- Narhawn Shukla, Police Station- Gopalpur, District- Gopalganj.
3. Manish Bhardwaj Son of-Bharat Chandra Mishra, Resident of Village Sirisiya, P. O.-Sasamusa, Police Station Kuchaykote, District Gopalganj
4. Ravi Prakash Pandey Son of - Sachitanand Pandey, Resident of Village Bhojchhapar P. O. Salehpur, Police Station Bishambharpur, District- Gopalganj.
5. Vishesh Srivastava Son of- Vinod Kumar Srivatava, Resident of Village- Mauna Dhanuk Mishra Toli New Basti Korar, P. O. Police Station Chapra, District Saran at Chapra.
6. Aryan Raj Son of-Birendra Singh, Resident of Village and P.O.- Gawandari, Police Station- Taraiya, District Saran at Chapra.
7. Vishwajeet Kumar Tiwari Son of Ghanshyam Tiwari, Resident of Village Sabeya, P. O.- Gaura, Police Station- Kateya, District Gopalganj
8. Zakir Hussain Son of-Mohammad Hasnain, Resident of Village- Sher Mohammad (Bhigo) Ward no. 30, P. O.- Lalbagh, Police Station- Laheriasarai, District- Darbhanga.
9. Afzal Karim Son of Md. Aquil Ansari, Resident of Village and P.O.- Bahadurganj, Police Station- Laheriasarai, District Darbhanga.
10. Md. Abdur Rahim Amjad Son of Md. Irfan Akhtar, Resident of Village- Ward no. 05 Chhatwan, P. O.- Chhatwan, Police Station- Keotiranway, District Darbhanga.
11. Md. Kamaal Hasan Son of Md. Zeyaul Hasan, Resident of Mohalla- Jale Quazi Ward No. 06, P.O. and Police Station- Jalley, District - Darbhanga.
12. Rahul Krishna Son of- Guneshwar Prasad Singh, Resident of Village- Ghataha tola, P. O.- Sultanpur East, Police Station- Mohiuddinnagar, Mohiuddinagar, District- Samastipur.
13. Ashish Kumar Son of Kumod Prasad Deo, Resident of Village- West of Girl High School, Ward no. 32 Kasipur, P. O. Samastipur, Police Station- Samastipur Town, District Samastipur.
14. Vineet Kumar Son of-Baidyanath Kunwar, Resident of Village- Tanra, P. O.- Mohiuddinagar, Police Station- Mohiuddinagar, Mohiuddin nagar. District Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary General Administration Department,



Government of Bihar, Patna.

3. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Engineer in Chief-cum-Special Secretary Public Health and Engineering Department, Government of Bihar, Patna.
5. The Principal Secretary, Planning and Development Department Government of Bihar, Patna.
6. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
7. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
8. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
9. The Principal Secretary, Road Construction Department Government of Bihar, Patna.
10. The Principal Secretary, Minor Irrigation Department Government of Bihar, Patna.
11. Bihar Technical Service Commission through its Chairman, Harding Road, Patna
12. The Secretary, Bihar Technical Service Commission, Harding Road, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arbind Kumar Singh, Advocate
For the State	:	Mr. Nagendar Pal Yadav, (SC-23)
For the BTSC	:	Mr. Nikesh Kumar, Advocate
		Mr. Bijay Choubey, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 22-07-2025

Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Bihar Technical Service Commission.

2. The present writ petition has been filed for the following relief/s:-

“I. For issuance of a writ in the nature of



mandamus or any other appropriate writ, order or direction, directing the respondents to count the experience of the Petitioners gained by them after cut-off date 28.02.2019 for determination of score against work experience and after submission of the application forms. As the last date of filing of application form was extended up to 17.02.2020 in view of the orders passed by this Hon'ble Court and a decision was taken to extend the benefits to all candidates who would be eligible up to the last extended date by notice dated 03.02.2020.

II. For issuance of a writ in the nature of mandamus or any other appropriate writ, order or direction, directing the respondents to grant the weightage for the work experience gained during pendency of selection process also and treat the Petitioners as successful and appoint and absorb them on the regular post of Junior Engineer which is lying vacant in different Department, Government of Bihar. As they remained deprived from getting selection and appointment by the decision of Bihar Technical Service Commission to allow even such candidates participate in the process of selection, who did not possess even the minimum education qualification as on the last date for submission of application form.



Secondly, a substantial number of candidates with more experience have been allowed to participate in the process of selection by giving them age relaxation. As such the action of the Commission is illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India.

III. For issuance of any other relief or reliefs to which the petitioners are found entitled to.”

3. Learned counsel for the petitioners submits that the writ petition has been filed for issuance of writ of Mandamus directing the respondents to count the experience of the Petitioners gained by them after cut-off date 28.02.2019 for determination of score against work experience and after submission of the application forms. As the last date of filing of application form was extended up to 17.02.2020 in view of the orders passed by this Hon'ble Court and a decision was taken to extend the benefits to all candidates who would be eligible up to the last extended date by notice dated 03.02.2020. Counsel further submits that by not granting the weightage for the work experience gained by the petitioners, wrong has been done by the Respondent-Commission and according to him, the rule of game has been changed and altered during recruitment process,



which is not permissible in the eye of law. Counsel submits that an Advertisement no.01/2019 was published on 08.03.2019 by the Bihar Technical Service Commission, Patna for the post of Junior Engineer (Civil/Mechanical/Electrical).

4. Learned counsel appearing for Bihar Technical Service Commission submits that the petitioners' case is not maintainable as the matter directly and substantially involved in the present writ petition has been tested before the Hon'ble Division Bench of this Court in L.P.A. No.568 of 2021 with other analogous cases in which *vide* order dated 20.12.2022, this issue was settled. The petitioners have intentionally not placed the decision of Hon'ble Division Bench before this Court. Counsel submits that the Hon'ble Division Bench of this Court has set aside the order passed by the learned Single Judge in C.W.J.C. No. 9817 of 2020, dated 07.09.2021 and it has been held that the learned Single Judge has committed error in the absence of seeking relief with reference to two modified dates namely 29.08.2019 and 03.02.2020 where the last date of submission of application was postponed and respondents-petitioners had cause of action on 29.08.2019 and 03.02.2020. It has been specifically mentioned that the marks for the experience was required to be extended during the period from



28.02.2019 to 17.02.2020. Counsel submits that the order passed by the Hon’ble Division Bench of this Court in L.P.A. No. 568 of 2021 have discussed this issue in detail and found that the work experience could not be counted after the cut-off date.

5. As such, in the light of the decision made by the Hon’ble Division Bench of this Court in L.P.A. No.568 of 2021 dated 20.12.2022, this Court is of the firm view that there is no case of petitioners. Hence, this writ petition stands dismissed.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	22/07/2025
Transmission Date	NA

