

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16672 of 2019

Shweta Suman Daughter of Arun Kumar Pathak Resident of -DPS, By Pass Road, Vishokhar, Bachhawn, Bachhaon, P.S.- Rohania, District- Varanasi (Uttar Pradesh). At present she was residing at Village- Bikrampur, P.O.- Sahadei Buzurg, P.S.- Desari, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Higher Education Department, Government of Bihar, Patna.
2. The Principal Secretary Higher Education Department, Government of Bihar, Patna.
3. The Director Higher Education Department, Government of Bihar, Patna.
4. The Chairman Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Patna.
5. The Secretary Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Patna.
6. The Chancellor of the Universities Through it's Secretary, Governor's Secretariat, Bihar, Patna.
7. The Secretary Governor's Secretariat, Bihar, Raj Bhawan, Patna.
8. The Banaras Hindu University Through it's The Registrar, Varanasi, Ajagara, Varanasi, Uttar Pradesh 221005.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anand Kumar Ojha, Sr. Advocate Mr. Pritish Kumar Lal, Advocate Mr. Ashok K. Karma, Advocate
For the BPSC	:	Mr. Sanjay Pandey, Advocate Mr. Nishant Kumar Jha, Advocate
For the Respondent/s	:	Smt. Binita Singh (SC-28)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

5 24-11-2025 Heard Mr. Anand Kumar Ojha, learned Senior Counsel for the petitioner assisted by Mr. Pritish Kumar Lal, Mr. Sanjay Pandey, learned counsel for the Bihar Public Service Commission assisted by Mr. Nishant Kumar Jha and learned counsel for the State.

2. In the nature of dispute raised by the petitioner, which, if not addressed by the BPSC, the very purpose of



creating the Commission to filter the best candidates for recommendation to the post, for which the advertisements are issued by them, on appropriate requisition made by the authorities competent in law, to make such appointment, would get frustrated and therefore, the authorities of the BPSC is constitutionally bestowed with a very pious duty to adjudicate the claim of such candidates, whose qualification as well as their entitlement of their candidature comes under dispute in the circumstances of the present kind, and if such disputes are brought to the notice either before them or before any judicial authority, the same needs to be addressed on urgent basis to avert any prejudice being caused to such candidates.

3. Without going into the merits of the case and on *prima facie*, finding this case to be fit for sending it for consideration by the Expert Committee of Bihar Public Service Commission (for brevity 'BPSC') to adjudicate the claim of this petitioner, which has been placed before this Court by referring to paragraph 18 and Annexure-9 at page 54 and 55, who claim similar treatment at par with the similarly situated person, namely, Harish Das, whose case has been considered and this petitioner being similar, was not considered as against the said post.



4. This Court, in order to provide full opportunity of hearing to the petitioner by the Expert Committee, because it is they, who can adjudicate the nature of dispute, as has been raised in this case, finds it proper in all fitness, to direct the petitioner to appear before the Secretary, BPSC, on 15.12.2025 at 12:00 p.m. and on her appearance, the Secretary shall constitute a committee of Experts in that particular subject, if there is no Committee of Expert existing in the Commission at present to adjudicate the issues in question and on constitution of such Committee, a fresh date shall be communicated to this petitioner and if need be, subsequent date shall also be communicated to this petitioner, as per mutual convenience and within a period of four weeks from the date of first sitting of the Committee, this issue is required to be considered and addressed and a reasoned order be passed, which shall be communicated to the petitioner.

5. Considering the aforesaid, the writ petition is disposed of with a direction to respondent No.5 to undertake such exercises, as directed aforesaid, within the time prescribed and on her appearance and submission of requisite documents, final orders shall be passed by the Expert Committee and the same shall be communicated within the time specified and if on



adjudication, if it is found that the claim is justified, then appropriate steps as justified in law should become the subject matter of consideration before the BPSC, to do justice in this case, in accordance with law.

(Ajit Kumar, J)

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