

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11694 of 2022

1. Varun Kumar Son of Sanjay Kumar Pandey, Resident of Mohalla - Sri Krishna Nagar, Ward no. 31, P.S. - Motihari, District - East Champaran at Motihari.
2. Komal D/o Satyendra Kumar, Resident of Mohalla - Uttri Sahi Colony, P.S. - Sadar Hajipur, District - Vaishali (Hajipur).
3. Niraj Kumar Son of Khaderu Prasad Nag, Resident of Village -Saraiya, P.S. - Amjhor, District- Rohtas.
4. Ujjawal Kumar S/o Arun Singh, Resident of Village - Patni, P.S. - Ramgarhua, District - East Champaran (Motihari).
5. Priyatam Kumar Son of Chandeshwar Prasad R/o Village - Malahi Tola, P.S. - Bariya, District - West Champaran (Bettiah).
6. Arvind Kumar Son of Vishwanath Sah, Resident of Village - Panhtaki Yadav, P.S. - Bairgania, District - Sitamarhi.
7. Ravi Ranjan Kumar Son of Ram Chandra Prasad, Resident of Village - Amrakh, P.S. - Maniyari, District - Muzaffarpur.
8. Prem Prakash Kumar Son of Kanhaiya Thakur, Resident of Village - Adapur Bhaluahiya, P.S. - Adapur, District - East Champaran at Motihari.
9. Manish Kumar Choudhari Son of Sunil Choudhari, Resident of Village- Ammapar, P.S. - Kotwa, District - East Champaran (Motihari).
10. Balmukund Kumar Son of Ramlakshan Mahto, Resident of Village - Koraiya, P.S. - Kundwan Chainpur, District - East Champaran (Motihari).
11. Ankit Kumar Son of Vinod Sah, Resident of Village - Jihuli, P.S. - Jihuli, District East Champaran (Motihari).
12. Manish Kumar Son of Ajay Prasad, Resident of Village- Gayatri Nagar ward No. 30 P.S. - Motihari Town, District - East Champaran.
13. Sonu Kumar Son of Ajay Kumar Thakur, Resident of Village- Bhuskal, Ward no. 05, PO. and P.S. - Harpur Pusa, District - Samastipur.
14. Pragya Priya D/o Santosh Kumar Sinha, Resident of Ward no. 25, New Chandmari Near Durga Mandir District - Motihari.
15. Aditya Kumar Son of Vdit Narayan, Resident of Village - Prayagchak, P.O. and P.S. - Avrai, District - Muzaffarpur.
16. Preity Kumari D/o Gokaran Ram, Resident of Village - Bahuara Haribansh, P.S. - Kalyanpur, District- East Champaran.
17. Bulbul Kumari D/o Suresh Rajak, Resident of Village - Rith, P.S. - Ekma, District- Saran.
18. Avinash Kumar Son of Randhir Kumar, Resident of Village - Badarwli, P.S. - Chandi, District - Nalanda.
19. Raushan Kumar Singh Son of Bhola Nath Singh, Resident of Village -



Muriyari, P.S. - Sakra, District -Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Animal Husbandry and Fishery Department Government of Bihar, Patna.
2. The Additional Chief Secretary General Administration Department, Government of Bihar, Patna.
3. The Director Fishery Directorate Government of Bihar, Patna.
4. The Chairman, Bihar Technical Service Commission, 19 Harding Road, Patna.
5. The Secretary, Bihar Technical Service Commission, 19 Harding Road, Patna.
6. The Deputy Secretary, Bihar Technical Service Commission, 19 Harding Road, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 16098 of 2022

1. Raushan Kumar Nagar Son of Nand Kishor Prasad, Resident of village- Pipariya, P.S.- Turkauliya, District- East Champaran.
2. Rohit Kumar Son of Ramdev Singh, Resident of Village- Baraon, P.S.- Lodhi, District- Sasaram
3. Umesh Kumar Son of Devnandan Ray, Resident of Village- Jhakhra, P.S.- Karja, District- Muzaffarpur.
4. Payal Kumari D/o- Ram Milan Singh, Resident of Village- Ramnagar, P.S.- Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Animal Husbandry and Fishery Department Government of Bihar, Patna.
2. The Additional Chief Secretary, General Administration Department Government of Bihar, Patna.
3. The Director Fishery Directorate, Government of Bihar, Patna.
4. The Chairman, Bihar Technical Service Commission, 19 Harding Road, Patna.
5. The Secretary, Bihar Technical Service Commission, 19 Harding Road, Patna.
6. The Deputy Secretary, Bihar Technical Service Commission, 19 Harding Road, Patna.



... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 16312 of 2022

1. Prashant Kumar Son of Chandreshwar Kumar Sahu, Resident of Village - Sofawa Tola, P.S. - Nautan, District - West Champaran.
2. Nirbhay Kumar, Son of Surendra Shukla, resident of Village - Gonauli, P.S. - Muffasil Bettiah, District- West Champaran.
3. Moni Kumari, D/o-Krishna Kumar Sahu, Resident of Village - Sofawa Tola, P.S.- Nautan, District- West Champaran.
4. Neha Kumari, D/o Chandeshwar Kumar Sahu, Resident of Village - Sofawa Tola, P.S. - Nautan, District- West Champaran.
5. Namita Kumari, D/o Garju Mahto, resident of Village - Bishanpur, Sivajinagar, ward no. 40, P.S. - Begusarai, District- Begusarai.
6. Shweta Jaiswal, D/o - Late Ajay Kumar Choudhary, Mohalla - Harnichak, Vasisth Colony, P.S. - Phulwarisharif, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Animal Husbandry and Fishery Department Government of Bihar, Patna.
2. The Additional Chief Secretary General Administration Department Government of Bihar, Patna.
3. The Director Fishery Directorate Government of Bihar, Patna.
4. The Chairman, Bihar Technical Service Commission, 19 Harding Road, Patna.
5. The Secretary, Bihar Technical Service Commission, 19 Harding Road, Patna.
6. The Deputy Secretary, Bihar Technical Service Commission, 19 Harding Road, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 11694 of 2022)

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Respondent/s : Mr. Sajid Salim Khan, SC-25

(In Civil Writ Jurisdiction Case No. 16098 of 2022)

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Adv.

For the Respondent/s : Mr. Rishi Raj Sinha, SC-19

(In Civil Writ Jurisdiction Case No. 16312 of 2022)

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Adv.

For the Respondent/s : Mr. Rishi Raj Sinha, SC-19

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR



ORAL ORDER

10 16-07-2025 Learned Advocate for the respective parties are present.

2. Though, the instant writ petitions have been listed under the heading "For Orders (On Office Notes); however, at the outset, learned Advocate for the petitioners submits that identical issue as raised in the present writ petitions has come up for consideration before the learned Division Bench of this Court in the case of **Avinash Kumar and Others v. The State of Bihar and Others (C.W.J.C. No.2043 of 2021 and other analogous cases]**, wherein the learned Court has negated the claim of the identically situated persons. It would be pertinent to quote the relevant paragraphs of the afore-noted judgment.

“14. We also have to pertinently observe that despite the persons who sought interventions having been impleaded, the persons who were specifically named in the memorandum of writ petition have not been impleaded in its entirety, as seen from the tabular form. Both the writ petitions are imperfect in so far as the same being not properly instituted, for reason of it being defective for non-impleadment of necessary parties.

15. Be that as it may, we have held that the resolution has no effect in so far as the subject recruitment is concerned since the rule brought out under Article 309 of the Constitution of India



prevails. The rule as brought out, granting weightage to contractual employees, is only to the extent of providing a maximum of 25 marks for every completed year of service; each year being granted 5 marks. The cited decisions of this Court approve such weightage being granted. As was found in *Abhay Kumar Patel* (supra), it does not exclude the candidates from the general public and only enables a weightage to those persons who are employed contractually, that too appointed after a regular process of selection, in compliance with Articles 14 and 16 of the Constitution of India. But for the contentions aired of the appointments having been made to temporary posts in temporary projects and not in sanctioned posts, there is no allegation raised with respect to the persons who have been given weightage having been appointed though the backdoor in violation of Articles 14 and 16 of the Constitution of India.

16. We find absolutely no reason to interfere with the selection conducted and on the reasoning above, reject both the writ petitions. The parties to suffer their respective costs.”

3. Since the learned Advocate for the State submits that the issue has already been set at rest, no relief can be granted to the petitioners.

4. In view of the decision rendered by the learned Division Bench of this Court in *Avinash Kumar* (supra), the



present writ petition stands dismissed in terms with the afore-
noted decision.

(Harish Kumar, J)

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