

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20259 of 2018

1. Rakesh Kumar S/o Bhagirath Tiddu, Village Khunva P.S.- Dhamdaha, District- Purnia.
2. Suryamani Kumar Arya, S/o Mahesh Prasad, Village Baghatilha, P.O. Jodhanbiga, P.S. Belchhi, District- Patna.
3. Ranjan Mishra, S/o Lalbabu Mishra, Village and P.O. Jogia, District- Buxar.
4. Asim Kumar, S/o Manoj Kumar, Maha Devi Sadan, West Patel Nagar, Patna.
5. Anup Kumar, S/o Avinash Prasad, P.O.- Phulwari Sharif, Brahampur, Patna.
6. Parasmani Singh, S/o Rajendra Prasad Singh, Village- Sainchak, P.O. Ranyodha, P.S. Dhoraiya, District Bank.
7. Jawahar Kumar Mishra, S/o Shiv Narayan Mishra, Village Barahi, P.O. Barahi, Via. Sukhpur, P.S.- Nauhatta, District- Saharsa.
8. Sumit Kumar, S/o Dinesh Prasad Sharma, Village Maheshpur, P.O. and P.S. Korha, District- Katihar.
9. Vivekanand Upadhyay, S/o Dineshwar Upadhyay, Village Thorsan, P.O.- Pipra, P.S.- Kargahar, District- Rohtas.
10. Anuja Annu, D/o Mangal Dew Narayan Shukla, Village Khajuhatti, P.O. Dighwa Dubawli, P.S. Bakiunthpur, District- Gopalganj.
11. Bipul Kumar, S/o Surendra Lal Das, At Chakla Nirmali, District- Supaul.
12. Rahul Kumar, C/o Vikarma Prasad, Village- Itwa, P.O.- and P.S. Shahpur, District- Bhojpur.
13. Surjit Kumar, C/o Surendra Sharma, Village Akhtiyarpur, P.O. Lai, P.S.Bihta, District- Patna.
14. Sonu Kumar Nigam, S/o Raj Kishor Prasad, Village- Rampur Bhikhanpura, P.O. Basantpur, P.S.- Sahebganj, District- Muzaffarpur.
15. Shashi Bhushan Kumar, S/o Daroga Prasad Ray, Village- Khalpura, P.O.- Baghakol, P.S. Maker, District- Saran.
16. Ashutosh Bharti, S/o Lalji Prasad Singh, Village Narhar Biga, P.O. Silao, District- Nalanda.
17. Sanjay Kumar, S/o Sitaram Ram, Village PO. Auraha, P.S. Laukahi, District- Madhubani.
18. Manoj Kumar, S/o Ashok Kumar Singh, Village P.O.- Mandaidih, P.S. Patepur, District- Vaishali.
19. Saurav Kumar, S/o Jai Prakash Lal, Village P.O.- Nerut, District- Nalanda.
20. Sanjay Kumar, S/o P.I. Das, Vrindawan Garden, Ashina, Digha Road, Patna.
21. Saurabh Kumar, S/o Pawan Kumar Singh, H/No. 33, Indira Nagar, P.S.- Patliputra, Rajapoor Pul, Patna.
22. Ujjawal Kumar, S/o Dinesh Kumar Mishra, Village P.O.- Sugaon, District- East Champaran.
23. Priya Ranjan Satyakam, D/o B.K. Panday, Mahabir Nagar, 70 Fit Road, Near Canara Bank, Patna.



24. Anshu Kumar, S/o Shambhu Kumar, C/o Kedar Singh, New Yarpur, Janta Road, P.S. Gardanibagh, Patna.
25. Deepa Kumari, D/o Anil Kumar, Indra Nagar, Dharampur Tajpur Road, District- Samastipur.
26. Ashish Pathak, S/o Dinesh Pathak, At P.O.- Rajaura, P.S. Muffasil Thana, District- Begusarai.
27. Om Babu, S/o Mathura Prasad Rajak, Gosain Tola, Sri Nagar Path, P.O P.S.- Patliputra, District- Patna.
28. Asit Kumar Das, S/o Jaideo Das, at Ashram Mohalla, behind Hanuman Mandir, District- Araria.
29. Anand Kumar Mishra, S/o Gopaljee Mishra, at Bhangha, P.S.- Chanpatiya, District- West Champaran.
30. Niraj Kumar, S/o Mahendra Prasad Sah, at Rampur Khurd, P.S. Madhusudanpur, District- Bhagalpur.
31. Abhishek Kumar, S/o Sachindra Nath Pandey, E 25 P.C. Colony, Kankarbagh, Patna.
32. Abhishek Kumar Singh, S/o Amrendra Kumar Singh, at Paharichak, P.S.- Sonepur, District- Saran.
33. Gautam Kumar Paswan, S/o Mahendra Paswan, at Bansitikar, P.S.- Sabour, District- Bhagalpur.
34. Raghwendra Pratap Rai, S/o Ram Pratap Rai, at Etwa, P.S. Dawath, District- Rohtas.
35. Dinkar Kumar Thakur, S/o Rajendra Kumar, at 62 Sadhugachhi, District- Darbhanga.
36. Rahul Kumar, S/o Dharendra Sharma, at Senari, P.S.- Sonbhadra, District- Arwal.
37. Krishna Kant Thakur, S/o Sudhir Kumar, at Kulharia, P.S. Parbatta, District- Khagaria.
38. Prem Priya Choubey, C/o Late Mukta Nand Choubey, Village- Ahirauli, District- Buxar.
39. Kishori Sharma, S/o Shri Bachchu Sharma, Village Sheikhpur Dih, P.O. Nimi, District- Sheikhpura.
40. Randhir Kumar Ray, S/o Satyendra Ray, Ward No. 9 Motitola Baswaria, Lauriya Bagaha, District West Champaran.
41. Himanshu Mani, S/o Sheo Shankar Mahto, at Manikpur, P.S.- Surajgarha, District- Lakhisarai.
42. Ramesh Kumar, S/o Shyam Babu Singh, Village P.O. Barharwa, District- Sitamarhi.
43. Deepak Raj, S/o Ravindra Nath Paswan, Near Durga Mata Mandir, Puranderpur Dopulwa, District- Patna.
44. Satyam Kumar Singh, S/o Abhay Prasad Singh, Village Jemhara, P.S. Rapauli, District- Purnia.
45. Ashutosh Kumar Singh, @ Ashutosh S/o Krishna Singh, Vilage P.O. Pawai,



P.S. Muphasil Thana Aurangabad, District Aurangabad.

46. Nilesh Kumar, S/o Parasnath Ambastha, at Munsii Tola, P.O. Sherghati, District- Gaya.
47. Vibhakar Pathak, S/o Ajit Pathak, Village Abhayapura, P.O. Sandesh, District- Bhojpur.
48. Rashmi Kumari, D/o Tarun Kumar, at Shahwazpur, Aima Chouki, District Gaya.
49. Prerna Shrivastava @ Prerna, D/o Shashi Ranjan Kumar, H.No. 136, at New Colony Deep Nagar Balughat, District- Muzaffarpur.
50. Rani Kumari, D/o Ahsok Kumar Pandey, Village P.O.- Dhandiha, P.S. Koelwar, District- Bhojpur.
51. Hemant Kumar, S/o Ganesh Prasad Choudhary, Chandra Bhawan, Raja Bazar, Baily Road, District- Patna.
52. Vishwajeet Rao Patel, S/o Vijay Kumar Rao, Mohalla Garhpar, P.S. Bihar Sharif, District- Nalanda.
53. Vikash Kumar, S/o Vijay Singh, Village Salehpur P.S.- Chandi, District- Nalanda.
54. Mukesh Kumar, S/o Kamlesh Prasad, Village- Lakshmi Bigha, P.S. Ben, District- Nalanda.
55. Deepak Kumar Gupta, S/o Ayodhya Sah, Village P.S. Kargahar, District Rohtas.
56. Deepak Kumar, S/o Jagdish Prasad Yadav, Village Panchao Garhpar, P.S. Hisua, District- Nawada.
57. Kumar Saurabh, S/o Subhash Prasad Singh, Village P.O.- Jagatpur, P.S.- Chandi, District- Nalanda.
58. Deepak Kumar Jha, S/o Yog Narayan Jha, Village Gajhara, P.S. Ladania, District- Madhubani.
59. Navin Kumar, S/o Naresh Sharma, Village Gonawan, P.S. Nawada, District- Nawada.
60. Alok Kumar, S/o Kailash Mishra at P.O. Gogri, District Khagaria.

... .. Petitioner/s

Versus

1. The Honble High Court Of Judicature At Patna Through Registrar General High Court and Ors
2. Registrar General, High Court, Patna.
3. The Centralised Committee, High Court, Patna through the Registrar General as Member Secretary of the Centralised Committee, High Court, Patna.
4. Members of the Co-ordination Committee, Bihar, Patna through the Convenor, Co-ordinate Committee.
5. District and Sessions Judge, Patna-cum-the Convenor, Co-ordination Committee, Bihar, Patna.



6. The Registrar Administrative , High Court, Patna.
7. The State of Bihar through the Law Secretary, Government of Bihar, Patna.

... ... Respondent/s

with

Civil Writ Jurisdiction Case No. 23435 of 2018

1. Vivek Kumar Son of Nand Lal Mahto Resident of Village- Mehnaul Khurd, P.O. Belsandi, P.S.- Matiyariya, District- West Champaran (Bihar) Roll No. 2016145934.
2. Aakash Kumar Sinha Son of Naresh Kumar Resident of Village- Kenar Chatty, P.O. Kenar, P.S. Wazirganj, District- Gaya (Bihar) Roll No. 2016161939.
3. Chandan Kumar Son of Dilip Kumar Jha Resident of Village and P.O. Raini, P.S. Sakra, District- Muzaffarpur (Bihar) Roll No. 2016140548.
4. Khushwant Kumar Son of Tiwari Shriniwas Resident of Village- Patarkona, P.O. Khandricha, P.S. Sikraul, District Buxar (Bihar) Roll No. 2016154292.
5. Jaychand Kumar Son of Girja Prasad Resident of Village and P.O. Ilara, P.S. Cherki, District- Gaya (Bihar) Roll No. 2016199605.
6. Anmol Kumar Son of Dinanath Gupta Resident of P.P. Road, Near Alka Cinema, P.O. and P.S. and District- Buxar (Bihar) Roll No. 2016162169.
7. Ravi Kumar Son of Awadh Kishore Prasad Resident of Village and P.O. Lakhanpur, P.S. Lauriya, District- West Champaran (Bihar) Roll No. 2016254266.
8. Mantu Kumar Son of Damodar Das Resident of Chhoti Keshopur Nala Par Near Shiv Mandir, P.O. and P.S. Jamalpur, District- Munger (Bihar) Roll No. 2016179470.
9. Prakash Kumar Son of Bhisha Baitha Resident of Village- Amwari, P.O. Nandpur Anwari, P.S. Raghunathpur, District Siwan (Bihar) Roll No. 2016242716.
10. Srikant Kumar Son of Tanik Lal Das Resident of Village- Indira Nagar, P.O. Thalwara, P.S. Ashok Paper Mill, District- Darbhanga (Bihar) Roll No. 2016107865.
11. Dharma Kumar Gautam Son of Nagai Ram Resident of Village- Piperahiya, P.O. and P.S. Nawalpur, District- West Champaran (Bihar) Roll No. 2016146485.
12. Rishaw Mishra Son of Dinesh Chandra Mishra Resident of E.T.- 3, Village- Ratwara Gandak Colony, P.S. Sadar, District- Muzaffarpur (Bihar) Roll No. 2016213759.
13. Ashish Kumar Mishra Son of Jayram Mishra Resident of Village and P.O. Suukhasan (Chakla), P.S. and District- Madhepura (Bihar) Roll No. 2016154051.
14. Aditya Kumar Son of Kishun Lal Resident of I.O. Circular Road Anand Bazar, P.S. Danapur, District- Patna (Bihar) Roll No. 2016165508.



15. Awinash Kumar Son of Shankar Prasad Singh Resident of Village- Telghi (Pokhar Tola), P.O. Telghi, P.S. Kharik Bazar, District- Bhagalpur (Bihar) Roll No. 2016 (Bihar) Roll No. 2016185402.
16. Guddi Kumari Daughter of Lal Bhushan Sharma Resident of Village and P.O. Tujarpur, P.S. Khairah, District- Saran (Bihar) Roll No. 2016215837.
17. Vinay Kumar Son of Ram Pravesh Singh Resident of Village- Kharahana, P.O. Kukudha, P.S. Itadhi, District- Buxar (Bihar) Roll No. 2016122619.
18. Abhinandan Kumar Son of Nand Kishor Sah Resident of Village- M.N. Chowk, Kowa Koli Lane, P.O. and P.S. Nathnagar, District- Bhagalpur (Bihar) Roll No. 2016241864.
19. Kumar Ved Mitra Son of Naresh Prasad Pal Resident of Village- Nahandabad, P.O. Mirjanhat, P.S. Mojahidpur, District- Bhagalpur (Bihar) Roll No. 2016180922.
20. Saurav Saket Son of Kishor Kumar Thakur Resident of Dayalpur, P.O. Jhandapur, P.S. Bihpur, District Bhagalpur (Bihar) Roll No. 2016184489.
21. Kumar Chandan Son of Surendra Nath Jha Resident of Village- Chunapur, P.O. Chunapur Aerodhome, P.S. K. Nagar, District- Purnia (Bihar). Roll No. 2016285736.
22. Om Prakash Pandey Son of Rishikesh Pandey Resident of Village and P.O. and P.S. Mohania, District- Kaimur (Bhabua) (Bihar) Roll No. 2016114797.
23. Nishant Kumar Son of Dharendra Sharma Resident of Village- Hemrajpur, P.O. Kamdeopur, P.S. Amarpur, District- Banka (Bihar) Roll No. 2016267965.
24. Aditya Kumar Son of Banshidhar Ram Resident of Village- Suara, P.O. Pahleja, P.S. Dehri on Sone, District- Rohtas (Bihar) Roll No. 2016268708.
25. Vikash Kumar Son of Dev Nandan Tiwari Resident of Mateshwari Bhawan, Behind of Aarah Machine, Resident of Village- Tarbanglow, P.O. and P.S. Dehri on Sone, District Rohtas (Bihar) Roll No. 2016185897.
26. Vivek Kumar Son of Ravindra Prasad Resident of C/o Kamlesh Prasad Ram Das Sadan, Dharhara Kothi, Naya Tola, P.O. Bahkipore, P.S. Kadamkuan, District- Patna (Bihar) Roll No. 2016242162.
27. Shambhu Kumar Tanti Son of Mahendra Tanti Resident of Sabaijor, P.O. Agahara, P.S. Sono, District Jamui (Bihar) Roll No. 2016278249.
28. Rahul Kumar Son of Late Ashok Kumar Singh Resident of Village- Karmdiha (Tippa), P.O. and P.S. Nauhtta, District- Rohtas (Bihar) Roll No. 2016194438.
29. Gautam Kumar Son of Didheshwar Prasad Resident of Village and P.O. and P.S. Gurua, District Gaya (Bihar) Roll No. 2016116825.
30. Vindhychal Kumar Son of Bhagwan Singh Resident of Village and P.O. Siyadih, P.S. Char Pokhari, District- Bhojpur (Ara) (Bihar) Roll No. 2016249347.
31. Sonam Shivadasani Daughter of Bipin Kumar Resident of New Area, Hanuman Mandir, P.O. Gondapur Nawada, P.S. and District- Nawada (Bihar) Roll No. 2016126227.



... .. Petitioner/s

Versus

1. The State Of Bihar through the Law Secretary cum Legal Remembrancer, Old Secretariat, Patna.
2. The High Court of Judicature of Patna through the Registrar General, Patna.
3. The Convener, Co-ordination Committee, Patna-cum- District and Sessions Judge, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1337 of 2019

1. Mukesh Kumar s/o Rameshwar Yadav R/o Vill and P.O.-Dalkawa P.S.-Sonbarsa,Sitamarhi-843330
2. Sravan Kumar Yadav S/o Ashwani Yadav, R/O Vill-thamhan,P.O.-Charkapathar,P.S.-Sono,District R/O Vill-Thamhan, P.O.- Charkapathar, P.S.-Sono,District jamui-811314
3. Sanjeet Kumar S/O Ram Chandra Thakur, R/O Vill And P.O.-Mohanpur Via Kashipur,P.S. and District- Samastipur-848101
4. Satish Kumar S/O Dilip Kumar, R/O Vill-Uber,P.S.-Ghoshi District-Jehanabad-804405
5. Bharat Kumar S/O Ramnath Prasad Keshri R/O Vill and P.O Kulharia,P.S.-Koilwar,District-Bhojpur
6. Nanhe Kumar Yogesh S/o Yogendra Prasad S/o yogendra Prasad,R/O Vill -Harihara,P.S.-shikarganj, District-East Champaran-845418
7. Chandan Kumar Gupta S/O Rajnath Prasad gupta R/O vill-Hatta,P.S.-Chainpur,District-Kaimur
8. Mithilesh Kumar S/O Dinesh Rai R/O Mohalla E-16,Birla colony,P.S.-Phulwarisharif,District-Patna-801505
9. Dharamveer Kumar Arun Kumar R/O Mohall-South Mandiri,Kathpul near new hanuman Mandir,P.O-G.P.O,P.S._Buddha Colony,district -Patna 800001
10. Jitendra Bhushan S/O Bhola Prasad R/O Mohall-Mittanghat Gurhatta Patna City,P.S.-Khajekalan,District-Patna 800008
11. Shankar Kumar S/O Chhote Sahni R/O Mohalla -Malahi Pakri, P.S.-Kankerbagh,district-Patna
12. Brajesh Kumar Gupta S/O Laxman Shah R/O vill-Hethua,P.s.-Rajpur,District-Buxar802122
13. Bittu Paswan S/O Sobhilal Paswan R/O Farchhahiya,P.O.-Kohbarba,P.S.-Sonbarsa,District-Sitamarhi-843330
14. Om Prakash Prasad S/O Babulal Yadav R/O Vill-Gahiri Murliya Tola,P.O.-Victoria Mission,P.S.-Nautan West Champaran 845459

... .. Petitioner/s



Versus

1. The State of Bihar through the Principal secretary Law Department Govt. of Bihar
2. The Registrar Patna High Court Patna High Court, Patna.
3. The Convener, Co-Ordination Committee, Patna cum District and Sessions Judge, Patna.
4. The Registrar, District and Sessions Judge, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 20259 of 2018)

For the Petitioner/s : Mr. Ajit Kumar Ojha, Adv.
Mr. Mritunjay Kumar, Adv.
Mr. Pratyaksha, Adv.

For the Respondent/s : Mr. Gyan Prakash Ojha, GA-7

For the PHC : Mr. Ashhar Mustafa, Adv.

(In Civil Writ Jurisdiction Case No. 23435 of 2018)

For the Petitioner/s : Mr. Kumar Kaushik, Adv.
Mr. Jitendra Kumar, Adv.

For the Respondent/s : Mr. Gyan Prakash Ojha, GA-7

For the PHC : Mr. Ashhar Mustafa, Adv.

(In Civil Writ Jurisdiction Case No. 1337 of 2019)

For the Petitioner/s : Mr. Aryan Sinha, Adv.
Mr. Arun Kumar No. 1, Adv.
Mr. Ajit Ojha, Adv.

For the Respondent/s : Dr. Md. Raisul Haque, SC-10

For the PHC : Mr. Sanjeev Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 03-11-2025

Heard learned Advocate for the respective parties.

2. This batch of writ petitions relate to appointment of Clerks in different District Courts of the State of Bihar. The subject Advertisement No.01/2016 was issued by the Convenor, Co-ordination Committee, Patna-cum-District and Sessions Judge, Patna inviting applications for direct recruitment against 1681 posts of Clerk in Civil Court of Bihar, including 841 unreserved posts. The petitioners having due eligibility, applied



for the afore-noted post under different categories and declared successful in the preliminary as well as mains written examination. On being found successful, they were asked to appear in the interview and finally on 26.09.2018, a panel of 6841 candidates was published, based upon their merit as per the total marks obtained by them in the written examination and the interview.

3. Finally, after completing all paraphernalia, a list of 1681 selected candidates in the order of merit as per the roster reservation for appointment on the post of Clerk in the Subordinate Courts of Bihar along with the place of posting was published vide notice dated 26.09.2018.

4. The petitioners in this batch of writ petitions were not among the selected appointees; they also came to know that in terms of Rule 7, Sub-rule 14 of the Bihar Civil Court Staff (Class-III & IV) Rules, 2009 (for brevity 'Rules, 2009'), the panel was to be prepared in the order of merit against the existing vacancies as also the anticipated vacancies occurring within the aforementioned period and in that view of the matter, the result published by the Convenor, Co-ordination Committee, Patna dated 26.09.2018 is claimed to be totally illegal; hence, the petitioners, *inter alia*, on the afore-noted grounds,



challenged the selected list of 1681 candidates on the ground of the same being prepared in violation of Rules, 2009.

5. The result was also questioned on various other grounds as has been raised in this batch of writ petitions; in the meanwhile, some of the identically situated candidates have also approached this Court by filing C.W.J.C. Nos. 21219 of 2018 and 6259 of 2019, but unsuccessfully. The petitioners of the said cases, preferred L.P.A. Nos. 650 of 2022, 661 of 2022 and 657 of 2022. The learned Division Bench after proper consideration of the matter, pleased to allow these appeals vide order(s)/judgment(s) dated 19.04.2023, directing the respondents to consider the case of each of the appellants for appointment on the post of Clerk against unfilled and anticipated vacancies, arose during the relevant period of two years and to issue necessary orders for appointment of each of the eligible appellants and in case any of the candidate is not eligible/suitable, in that event, necessary speaking order shall be passed and communicated to them. For ready reference and proper appreciation, paragraphs-19 and 20 of the order(s)/judgment(s) passed by the learned Division Bench is reproduced hereinbelow:-

“19. The learned Single Judge has not appreciated that statutory rule will prevail over the



executive instruction/decision. Further it is to be noted that the opinion expressed by the committee is to be upheld in such an event the proper course for the concerned competent authority is to take appropriate steps to amend Sub-rule 12, 13 and 14 of Rule 7 of Rules, 2009. In the absence of amendment to Rules, 2009 that too with retrospective effect, i.e., prior to 07.02.2016 the date on which Clerk post was notified. Executive decision cannot override statutory rules. Therefore, the learned Single Judge has committed error in dismissing the writ petitions filed by the appellants.

20. Accordingly, the order of the learned Single dated 29.09.2022 passed in CWJC No. 6259 of 2019 and connected matters stands set aside. While allowing LPA No. 650 of 2022 (arising out of CWJC No. 6259 of 2019), LPA No. 657 of 2022 (arising out of CWJC No. 21219 of 2018), & LPA No. 661 of 2022 (arising out of CWJC No. 21219 of 2018) the concerned selecting/appointing authority is hereby directed to consider each of the petitioners name for the purpose of appointment to the post of Clerk against unfilled vacancies and anticipated vacancies during the relevant period of two years and necessary order of appointment shall be issued to each of the eligible petitioner within a period of three months from the date of receipt of this order. If any, of the candidate is not suitable or eligible in



that event necessary speaking order shall be passed and communicated to such petitioner/s.”

6. In the light of the order passed by the learned Division Bench of this Court, as noted hereinabove, the eligible appellants were duly selected by the competent authority. Further, some of the identically situated persons, aggrieved with the order of the learned Single Judge, also preferred L.P.A. No. 727 of 2023, which also came to be allowed having found involving similar issue vide order dated 18.01.2024 in similar terms of the order passed by the Division Bench in L.P.A. No. 650 of 2022 and other analogous cases. In deference to the order, afore-noted, other candidates were also offered appointment vide different notices.

7. In one of L.P.As. No.261 of 2024, the learned Division Bench condoned the delay of about one year, four months and sixteen days in preferring the appeal by the appellant placing reliance upon the judgment of the Hon’ble Supreme Court in the case of **Lt. Col. Suprita Chandel Vs. Union of India & Ors., 2024 SCC Online SC 3664**, has held that the concerned authority was required to extend similar benefits, if the person approached for the second time is similar to such of those persons, who have approached earlier.

8. The petitioners before this Court who had also



questioned the final select list and in sum and substance raised the point of illegality in the process of recruitment getting acquainted with the subsequent development and after coming to know the order(s)/decision(s) passed by the learned Division Bench of this Court, as discussed hereinabove, filed the interlocutory applications by confining their relief(s) to the extent that by virtue of the order passed in L.P.A. No. 650 of 2022 and other analogous cases, they also come in the ambit of the aforesaid order and thus their cases may also be disposed off in terms with the afore-noted L.P.A. No. 650 of 2022 and other analogous cases; this Court vide order dated 04.07.2025, taking note of the development as has been taken place during the pendency of this batch of writ petitions which is *per se* connected with the core issue, allowed the interlocutory applications.

9. Learned Advocate for the petitioners unanimously contended that the case of the petitioners are squarely covered by the decision of the learned Division Bench of this Court and the candidates who have secured even lesser merit position and marks, have been selected to the post of Clerk and, as such, the case of the petitioners are also identical and in some of the cases are on better footing, Hence, they have also prayed for similar



treatment.

10. The stand of the petitioners have been refuted primarily on the ground that the initial challenge made in the writ petitions was on different grounds to that of the candidate(s)/petitioner(s) of CWJC No. 21219 of 2018 and CWJC No. 6259 of 2019 and, for the first time, the petitioners having come to know about the decision rendered by the learned Division Bench have filed the interlocutory application(s) seeking amendment in the relief(s) in the year 2024 and, as such, they are none other than fence sitter. However, the learned Advocate for the respondent-State as well as the Patna High Court did not confront with the legal position as has been held by the learned Division Bench of this Court, referred hereinabove.

11. This Court also noticed that during the pendency of these writ petitions, some of the petitioners who have applied to get themselves gainfully employed, are not interested in pursuing the litigation. Supplementary affidavits have also been filed in this regard, which are kept on record.

12. Admittedly, these batch of writ petitions are pending consideration before this Court since 2018-2019 and during the pendency of these writ petitions, favourable order(s)



came to be passed with respect to some of the candidates with whom these petitioners are seeking parity and thus this Court on being found that development is connected with the core issue involved arising out of same transaction which gave the parties a cause of action to mould the reliefs, in order to avoid multiple litigation accepted the contention of the petitioners for moulding the reliefs; hence, these petitioners cannot be termed as “fence sitter”.

13. This Court also finds that the case of the petitioners who are intending to pursue their litigation is also covered with those of the decisions rendered by the learned Division Bench in L.P.A. No. 650 of 2022 and other analogous cases and L.P.A. Nos.727 of 2023 and 261 of 2022. Accordingly, the batch of these writ petitions also stand disposed off in similar terms. The concerned respondent(s) is hereby directed to consider the case of the petitioners, who shall ensure their presence along with the order of this Court, preferably within a period of four weeks.

14. If the petitioners file such application within the stipulated period along with the order of this Court, the respondent authorities shall consider the case of those petitioners and if found their claim is/are otherwise eligible,



issue necessary order(s) in accordance with law and extend similar treatment as has been accorded to other similarly situated candidates, preferably within a further period of twelve weeks from the date of filing such applications.

15. This batch of writ petitions stand disposed off.

(Harish Kumar, J)

rohit/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	07-11-2025
Transmission Date	

