

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7395 of 2018

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1. Shila Kumari @ Shila Devi Wife of Ramesh Kishku Resident of Harin Kol, Manjhatola, Ward No. 10, Dhamdaha, District- Purnia, Bihar.
 2. Manju Devi Wife of Anil Kumar Yadav Resident of Narahaiya, Supaul, Ward No. 011, Pipra Khurd, District- Supaul, Bihar.
 3. Priya Kumari wife of Arvind Rajak Resident of Ashok Nagar, Nagar Parisad Supaul, Ward No. 24, Police Station- Supaul, District- Supaul, Bihar.
 4. Rukhashana Perween Wife of Md. Juber Alam Resident of Laudh, Ward No. 04, Post Office- Laudh, Laurah, Supaul.
 5. Kiran Devi Wife of Virendraee Raut Resident of Malitola, Ward No. 17, Police Station- Supaul, District- Supaul, Bihar.
 6. Sanju Kumari wife of Pappu Kumar Sah Resident of Ward No. 2, Sundar Pur, Police Station- Supaul, District- Supaul, Bihar.
 7. Ratanmala Devi Wife of Ram Lakhan Sah Resident of Ward No. 12, Near A.D.B. Bank, Supaul, Post office and Police Station- Supaul, District- Supaul.
 8. Ranjan KUMar Vishwas Son of Ganga Kamat Resident of Ward No. 24, Kewat Tola, Supaul, Post Office Police Station- Supaul, District- Supaul, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of General Administration, Government of Bihar, Patna.
2. The Commissioner, Koshi Division, Saharsa.
3. The District Magistrate, Supaul.
4. The Deputy Development Commissioner, Supaul.
5. The District Welfare Officer, Supaul.
6. The Deputy Collector, Establishment, District Collectorate, Supaul.
7. The Additional Collector, Disaster Management, District- Supaul.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 14757 of 2017

1. Ashok Kumar Mandal Son of Late Rameshwar Mandal, resident of Village and P.O.- Sukhpur, Police Station and District- Supaul.
2. Kumar Abhinav, Son of Kamshwar Singh, resident of village- Nagar Parishad Supaul Ward No.- 13, Police Station and District- Supaul.
3. Vidhakar Yadav, Son of Late Saryug Yadav, Resident of Village and P.O.- Kataiya Mahe, Police Station- Pipra, District- Supaul.



4. Shivakant Kumar Yadav, Son of Yugeswar Prasad Yadav, resident of Village- Babhani Chakala Nagar Parishad Supaul Ward No. 28, Police Station and District- Supaul.
5. Md. Abdul Samad, Son of Md. Suleman, resident of Village and P.O. Pipra Khurd, Police Station and District- Supaul.
6. Ram Prakash Rai, Son of Late Narayan Rai, Resident of Nagar Parishad, Supaul Ward No. 13, Police Station and District- Supaul.
7. Siyaram Kamat, Son of Late Kishun Kamat, resident of Village and P.O. Pipra Khurd, Police Station and District- Supaul.
8. Ram Pravesh Rai, Son of Late Narayan Rai, Resident of Nagar Parishad, Supaul Ward No. 13, Police Station and District- Supaul.
9. Ratan Kumar Mishra, Son of Late Shobha Kant Mishra, Resident of Nagar Parishad, Supaul Ward No. 19, Police Station and District- Supaul.
10. Chitranjan Kumar Bishwas, Son of Late Bhagwat Kamat, Resident of Purani Durga Asthan, Ward No. 11, Nagar Parishad Supaul, Police Station and District- Supaul.
11. Lalit Narayan Thakur Son of Late Shiv Narayan Thakur, Resident of Nagar Parishad, Supaul Ward NO. 19, Police Station and District- Supaul.
12. Md. Majid, Son of Md. Suleman, resident of Nagar Parishad, Supaul Ward No. 04, Police Station and District- Supaul.
13. Manoj Kumar, Son of late Dharmdeo Kamat, resident of Nagar Parishad, Supaul Ward No. 24, Police Station and District- Supaul.
14. Binod Kumar Rai, Son of Sri Mateshwar Rai, Resident of Village and Post-Ramnagar Bazar, Police Station- Srinagar, District- Madhepura.
15. Bipin Kumar, Son of Late Shobha Kant Mishra, resident of Village-Chandail Punarwas, P.O.- Badaur, Police Station and District- Supaul.
16. Md. Irfan, Son of Md. Arfin, resident of Nagar Parishad, Supaul Ward No. 22, Police Station and District- Supaul.
17. Lalit Chandra Yadav, Son of Bhola Prasad Yadav, resident of Nagar Parishad, Supaul Ward No. 28, Police Station and District- Supaul.
18. Md. Mustakim, Son of Md. Manjur Alam, resident of Village and P.O. Gangapatti, Police Station and District- Supaul.
19. Manoj Kumar, Son of Ramdeo Ram, resident of Nagar Parishad, Supaul Ward No. 17, Police Station and District- Supaul.
20. Md. Sobrati, Son of Late Ali Hassan, resident of Village- Chakla Nirmali, Nagar Parishad, Supaul Ward No. 26, Police Station and District- Supaul.
21. Subhash Kumar Thakur, Son of Sri Mohan Thakur, resident of village P.O. Chainsinghpatti, Police Station and District- Supaul.
22. Satya Narayan Sah, Son of Late Bauku Sah, Resident of Nagar Parishad, Supaul Ward No. 14, Police Station and District- Supaul.
23. Chandrakant Rai, Son of Late Dobhi Rai, resident of Village and P.O. Mokana, Police Station- Bihra, District- Saharsa.
24. Hareram Prasad Yadav, Son of Late Asharfi Prasad Yadav, Resident of Village and P.O.- Laukaha, Police Station and District- Supaul.



25. Md. Samshad Alam Son of Md. Saukat Ali, resident of Village and P.O. Pipra Khurd, Police Station and District Supaul.
26. Md. Salauddin, son of Md. Anwarul Haque, resident of Village and P.O. Pipra Khurd, Police Station and District- Supaul.
27. Md. Jawed Alam, Son of Md. Allauddin, resident of village and P.O.- Chainsinghpatti, Police Station and District- Supaul.
28. Md. Asharaf Alm, of Late Md. Hassan, resident of Village- Parasa, Panchayat Pipra Khurd, Police Station and District- Supaul.
29. Santosh Kumar, Son of Jagdish Prasad Sah, resident of Nagar Parishad, Supaul Ward No. 26, Police Station and District Supaul.
30. Ashok Kumar, Son of Masharoo Kamat resident of Nagar Parishad, Supaul Ward No. 26, Police Station and District- Supaul.
31. Md. Nizamuddin, Son of Md. Ismail, resident of Village and P.O.- Chainsipahi, Police Station and District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of General Administration, Government of Bihar.
2. The Commissioner Koshi Division, Saharsa.
3. The District Magistrate, Supaul.
4. The Deputy Development Commissioner, Supaul.
5. The Civil Surgeon-cum-Chief Medical Officer, Supaul.
6. The Deputy Collector Establishment, District Collectariate, Supaul.
7. The Deputy Collector, Nazarat, District Collectariate, Supaul.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 7395 of 2018)

For the Petitioner/s : Mr. Purushotam Sharma, Advocate

For the State : Mr. Md. Nadeem Seraj (GP-5)

(In Civil Writ Jurisdiction Case No. 14757 of 2017)

For the Petitioner/s : Mr. Sumit Kumar, Advocate

For the State : Mr. Md. Nadeem Seraj (GP-5)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 24-07-2025

Heard learned counsel for the petitioners and learned
counsel for the State in both the cases.



2. C.W.J.C No.7395 of 2018 has been filed for the following relief/s:-

“I. For issuance of an appropriate writ commanding the respondents authorities to appoint the petitioners on the post of Class-IV employees post as per reservation rule and on the basis of enquiry list prepared for appointment of Class-IV employees by the Committee framed by the order of District Magistrate, Supaul.

II. For issuance of appropriate writ commanding the respondents to appoint the petitioners on vacant post of reserve categories because there are 54 vacant posts for female candidates and there is 3% reservation for handicapped candidates and as per enquiry list the female and handicapped candidates are available.

III. For any other relief(s) applicable in the facts and circumstances of the case.”

3. C.W.J.C No.14757 of 2017 has been filed for the following relief/s:-

“I. For issuance of an appropriate writ, order or direction to the respondent authorities for quashing the resolution no.5 and 6 of the meeting of the District Selection Committee dated 08.09.2017 communicated



vide memo 819-2 dated 08.09.2017 by which while filing of the post of Class-IV employees in pursuant to advertisement no.1 of 2012 published in daily news paper on 01.04.2012 and a corrigendum issue vide advertisement no.1 of 2014 not earmarking any horizontal reservation to the women on the basis of a Govt. decision published in extra ordinary Gazette dated 20.01.2016 in the name of Non-availability of women candidate kept vacant 54 posts earmarked under 35% quota of horizontal reservation of the women also ignoring the provision made under notification dated 20.01.2016 in absence of women applicant those posts will be filed from male candidate and be further give direction to the authorities to fill up the post earmarked to the women candidate providing horizontal reservation under resolution no.6 from the panel prepared in which the name of the petitioners figured.”

4. Learned counsel for the petitioners in both the cases fairly submits that the present writ petitions have been filed for appointment of Class-IV/Group-D employees in the State of Bihar. He submits that it is well known that the Government of Bihar has framed a rule in the year 2023 namely, बिहार कार्यालय परिचारी/परिचारी (विशिष्ट) (भर्ती एवं सेवा शर्तें) नियमावली,



2023 (hereinafter referred to as 'Rule 2023'), which came into existence by virtue of a notification no.17975 dated 22.09.2023. Counsel seeks only permission that at least the petitioners of both the cases be permitted by this Hon'ble Court to appear in the examination process which has to take place in the light of Rule 2023.

5. Learned counsel for the State has no objection for the same.

6. It transpires to this Court that opportunity be granted to the petitioners of both the cases to appear in the selection process in the light of Rule 2023 at least once. Therefore, liberty is hereby granted to the petitioners of both the cases that in-spite of the fact that petitioners have crossed maximum age limit to appear in the examination process based on rule 2023, shall be permitted to appear only one time. It is made clear that in case petitioners of both the cases already appeared in the earlier examination process which has been taken place in the light of Rule 2023 then in that case, they shall not be permitted. But, if they have not appeared even for a single time, then the commission shall grant permission to petitioners of both the cases to appear in the examination process when the next advertisement come in the light of rule



2023. It is made clear that the exemption of age also covers the exemption of education qualification.

7. Hence, the present writ petitions i.e. C.W.J.C. No.7395 of 2018 along with the I.A. Nos. 01 of 2019 & 02 of 2022 & C.W.J.C. No.14757 of 2017 are hereby disposed off.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	26/07/2025
Transmission Date	NA

