

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2614 of 2025

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Anjali Sinha, Daughter of Sanjay Kumar, Resident of Sumitra Niwas, Harijan School Ashok Nagar, Pokharia Ward No. 30, Police Station Begusarai, Post Office Begusarai, District -Begusarai, State - Bihar, PIN Code-851101

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, General Administration Department, Govt. of Bihar, Patna.
2. Additional Chief Secretary, General Administration Department, Govt. of Bihar, Patna.
3. Bihar Public Service Commission, 15, Nehru Path, Patna-800001 through Secretary.
4. The Secretary, Bihar Public Service Commission, 15, Nehru Path, Patna.
5. The Examination Controller, Bihar Public Service Commission, Nehru Path, Patna.
6. The Registrar General, The High Court of Judicature at Patna
7. Aditi Daughter of Late Sadanand Madhukar Resident of Khabra urf Kiratpur Gurdas, Police Station - Khabra, District - Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeet Kumar, Advocate Mr. Pranav Ranjan, Advocate
For BPSC	:	Mrs. Parul Prasad, Advocate Mr. Aditya Anand, Advocate
For State	:	Mr. U.S.S. Singh, GP 19

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 21-01-2026 The present writ petition has been filed by the petitioner – Anjali Sinha seeking for the following prayers:-

“(1) To issue appropriate writ for quashing of the order dated 10.12.2024 by which Respondent No. 4 (Examination Controller, Bihar Public Service Commission, Patna), published a revised final result of 32nd Bihar Judicial Service Competitive Examination under Advertisement No. 23/2023 dated 20.02.2023,



issued for appointment on the post of Civil Judge (Junior Division), under which the candidature of the petitioner (Merit Serial No. 159, Roll No. 111718) selected under Economically Weaker Section (EWS) quota has been cancelled, without giving any notice to the petitioner, and in her place respondent No. 6 has been appointed.

(II) That the petitioner further prays for direction upon the Bihar Public Service Commission, to make recommendation of the name of the petitioner for her appointment pursuant to the Advertisement No. 23/2023, for appointment on the post of Civil Judge (Junior Division) in connection with 32nd Bihar Judicial Service Competitive Examination.

(III) To issue any other direction, order, rule, and grant relief/reliefs to which this Hon'ble Court find the petitioner fit and proper in the facts and circumstances of the case.”

2. It is the case of the petitioner that pursuant to the Advertisement No. 23 of 2023, dated 20.02.2023 issued by the Bihar Public Service Commission (hereinafter referred to as the ‘BPSC’), the petitioner herein had applied for appointment to the post of Civil Judge (Junior Division) under 32nd Bihar Judicial Service Competitive Examination under the Economically Weaker Section (Women) category. The petitioner was then allowed to appear in the preliminary test and she qualified the said Preliminary Examination, thereafter she appeared in the Mains Examinations and *Viva-Voce* test and ultimately, on 28.11.2024, the BPSC published the final result



and she was declared qualified for appointment to the post of Civil Judge (Junior Division). The name of the petitioner appeared at Serial No. 15 of the EWS category. It is stated that petitioner has been selected against the post reserved in the EWS category for female category post under 35 % horizontal reservation for women. Further, it is stated that respondent No. 4 on 10.12.2024 issued revised final result and cancelled the candidature of the petitioner, hence by way of filing the present writ petition, the petitioner has raised her grievance with regard to the revised final result by which she has been ousted from the merit position.

3. The counter affidavit has been filed on behalf of the respondent Nos. 1 and 2, wherein in paragraph Nos. 10 to 17 it is stated as follows:

“10) That in this context it is relevant to state here that in the B.P.S.C declared the final result of 31st Judicial Service Competitive Examination on 14.11.2022. In the said result total 214 candidates were declared successful and 23 candidates were declared successful under E.W.S. category including 07 females.

11) That 5 candidates who were allowed to participate in the interview in 31st Bihar Judicial Service Competitive Examination were cancelled owing to various reasons out of which the candidature of one candidate namely Aditi, respondent No. 07, Roll No. 100111 was cancelled on the ground of acquiring the degree of LL.B after the date of making application.



12) That the Respondent No. 07 being aggrieved from cancellation of candidature preferred Civil Appeal bearing Civil Appeal No. 6074/2023.

13) That as per order dated 22.09.2023 passed in Civil Appeal No. 6074/2023 and analogous cases the appointment of Respondent No. 07 was made against EWS women category.

14) That as consequence of appointment of the Respondent No. 07 under 32nd Bihar Judicial Service the B.P.S.C published result of 3 EWS women category in place of 4 post.

15) That it is relevant to state here that the B.P.S.C erred in publishing result of 4 EWS women category in place of 3 EWS Women category.

16) That, however the General Administration Department, Govt, of Bihar vide letter No. 19621 dated 06.12.2024 reminded the B.P.S.C to keep one post reserved pursuant to order passed in Civil Appeal No. 6072/2023 and SLP (C) Diary No. 47769/2023 and in compliance of the letter No. 91908-09 dated 30.11.2024 issued under the signature Hon'ble High Court and accordingly the result was revised by the B.P.S.C. Thus the present petitioner as well as an another candidate were excluded from the select list for appointment as Civil Judge (Junior Division).

17) That since the candidature of the petitioner for 32nd Judicial Service competitive Examination has been cancelled in compliance of the order dated 22.09.2023 passed in Civil Appeal No. 6072/2023 with Civil Appeal No. 6073/2023 and 6074/2023 and hence the instant writ application has got no merit and thus the same is fit to be dismissed by this Hon'ble Court."

4. The petitioner has filed reply to such counter



affidavit filed by the respondent Nos. 1 and 2, wherein in paragraph Nos. 5, 6, 9, 10 and 11, it is stated as follows:

“5. That it is stated that in so far as the denial of a fact can only be in express terms and is further required to be clear, categorical and unequivocal, the following facts have been evidently admitted by the answering respondents:

I. There is no dispute regarding the eligibility, qualification or merit of the petitioner since she had demonstrably obtained more marks than the cut-off for her respective category.

II. There is no objective or equitable ground to cancel the selection of the petitioner.

III. There were indeed discrepancies in the vacancies earmarked for EWS (Women) candidates in the Advertisement No. 23/2023 dated 20.02.2023.

IV. The petitioner was given no notice before cancelling her selection vide the impugned revised final result dated 10.12.2024.

6. That it is stated that from a perusal of the counter affidavit, it is also not evident as to why:

I. The total vacancies earmarked for EWS (Women) candidates was shown as 4 in the Advertisement No. 23/2023 dated 20.02.2023 even though the 35% of 15 comes to a total of 5.25.

II. The revised final no. of vacancies in favour of EWS (Women) candidates was taken as 4 even though the 35% of 14 comes to 4.9 and according to the normal logic of rounding off it should be treated as 5 especially when treating it as five does not exceed the permissible reservation limit. This rule has also found favour with the Hon'ble Apex Court in the case of State of U.P. v. Pawan Kumar Tiwari, (2005) 2 SCC 10 where it was held as follows:



"The rule of rounding off based on logic and common sense is: if part is one-half or more, its value shall be increased to one and if part is less than half then its value shall be ignored. 46.50 should have been rounded off to 47 and not to 46 as has been done. If 47 candidates would have been considered for selection in general category, the respondent was sure to find a place in the list of selected meritorious candidates and hence entitled to appointment."

The Respondent No. 7 could not be accommodated against the earmarked vacancies available under the 31 Bihar Judicial Service Competitive Examination instead of borrowing a post from the 32nd Bihar Judicial Service Competitive Examination. It is relevant to point out here that from the reply to an RTI application contained in Letter No. 19286 dated 03.03.2025 issued under the signature of the Authorized Person: J.R. (J)-cum-P.I.O., Patna High Court, it has become clear that a total of 23 posts were advertised under the EWS category out of which 7 were reserved for females which evidently is an anomaly since the 35% of 23 is 8.05 meaning there was room for accommodating one more qualified and meritorious candidate had the vacancies been properly computed. It is pertinent to note here that had directed the Respondents in Civil Appeal No. 6072 of 2023, namely the State of Bihar and Ors. to "to adjust one vacancy of EWS for the same examination or from the next examination and extend similar benefits to Aditi, in view of the ratio of Aarav Jain". It is thus clear that it was open to the Respondents to accommodate Respondent No. 7 in terms of the vacancies under the 31st Bihar Judicial Bihar Judicial Service Competitive Examination.

9. That it is stated that in response to the statements made in paragraph No. 13 to 15 of the counter



affidavit, it is submitted that in terms of the letter issued under the signature of the Joint Secretary, General Administration Department, Government of Bihar and addressed to the Respondent Secretary, BPSC contained in Memo No. 21568 dated 23.11.2023, requisite adjustments were required to be carried out in terms of judicial orders and consequently, as against a total of 15, 14 vacancies were proposed under the EWS Category (Category Code No. - 07). However, the letter was silent regarding the manner of the adjustment and nowhere in the said letter, it was either stated or implied that in order to make room for Respondent No. 7, the available vacancies under the EWS (Women) category had to be reduced. Hence, the impugned revised final result dated 10.12.2024 whereby only 3 women candidates were declared successful under the EWS (Women) category and the petitioner was pushed out of the selection zone apparently to make room for the Respondent No. 7 does not square with even the recommendations of the General Administration Department, Government of Bihar. This letter was supplied to the petitioner by the General Administration Department, Government of Bihar, along with letter contained in Memo No. 2675 dated 13.02.2025.

10. That it is stated that in view of the clarification it is submitted there was no legal infirmity in the result dated 28.11.2024 published by the B.P.S.C. whereby 4 EWS (Women) candidates including the petitioner were declared as successful. It is submitted here that in the absence of a specific direction to this effect by the Hon'ble Apex Court, it cannot be stated with certainty that the Respondent No. 7 was required to be accommodated against the 35% quota reserved for EWS (Women) candidates. Thus, there was no apparent reason to reduce the total number of seats reserved horizontally



in favour of women candidates and drive the petitioner out of zone of selection when the same result could have been achieved by reserving one seat from the vacancies not falling within the 35% quota. It is therefore submitted that the targeted deduction of a seat from the 35% seats reserved horizontally in favour of EWS (Women) candidates which comes to a total of 4 was unfair and arbitrary.

11. That it is stated that in response to the statement made in paragraph No. 16 of the counter affidavit whereby the exclusion of the petitioner from the zone of selection is sought to be justified with reference to the reminder issued by the General Administration Department and the letter of this Hon'ble High Court, it is stated that the same is entirely misconceived. It is further stated and submitted that:

I. Though the letter no. 19621 dated 06.12.2024 reportedly issued by the General Administration Department, Government of Bihar is not available on record, it is safe to assume that the reminder to keep one post vacant was only to ensure compliance with the orders passed in Civil Appeal No. 6072/2023 and its analogous cases SLP (Civil) Diary No. 47769/2023 passed by Hon'ble Apex Court. The requisite adjustment pursuant to the order passed in Civil Appeal No. 6072/2023 and its analogous cases was not specifically required to be made from the 35% quota reserved horizontally in favour of women candidates.

II. There was nothing in the order dated 30.11.2024 issued under the signature of the Registrar General, Patna High Court that required any changing with the total vacancies available under the EWS Category (Category Code - 07) and much less under the EWS (Women) Category.”



5. After going through the counter affidavit filed by the respondent Nos.1 and 2, it becomes clear that on account of passing of the order dated 22.09.2023 in Civil Appeal No. 6072 of 2023 with Civil Appeal No. 6073 of 2023 and Civil Appeal No. 6074 of 2023, the candidature of the petitioner for 32nd Judicial Service Competition Examination has been cancelled.

6. The learned counsel appearing for the respondent No.6 as also learned counsel appearing for the respondent – Bihar Public Service Commission along with the State of Bihar submit that when the matter was adjudicated by the Hon'ble Supreme Court, at that point of time the result was not published and the Hon'ble Supreme Court was not aware that the petitioner has been selected and therefore, the learned counsel for the respondent submits that since the petitioner has been affected by the order of the Hon'ble Supreme Court, she should file review petition before the Hon'ble Supreme Court against the order passed.

7. At this juncture, it is relevant to quote paragraph No. 25 of the judgment of the Hon'ble Supreme Court dated 22.09.2023 passed in **Civil Appeal No. 6072 of 2023 (Arising out of S.L.P. (C) No. 9964 of 2022)** and its analogous cases, which reads as under :

“25. Reverting to the case of appellant Aditi,



which is related to the 31 Examination, as per the affidavit submitted by the Registrar General, it is apparent that out of 221 vacancies advertised, only 214 candidates were recommended for appointment and seven vacancies have been carried forward to the 32nd Examination. Thus, there are vacancies, which are yet to be filled up for the 32nd Examination. The process of selection is not yet complete. Learned counsel appearing on behalf of the State of Bihar and BPSC, in the peculiar facts of the case, have fairly stated that because of the directions issued by this Court in the case of Aarav Jain (supra), the other candidates who secured more marks than the cut-off in the merit of the respective categories, can be accommodated. However, upon issuance of directions by this Court, the State Government is ready to accommodate all the three candidates (namely Sweety Kumari, Vikramaditya Mishra and Aditi) who have also secured more marks than cut-off for their respective categories.”

8. In view of the aforesaid, the learned counsel for the petitioner seeks permission to withdraw the present writ petition to seek appropriate remedy, in accordance with law.

9. Accordingly, writ petition stands disposed of as withdrawn.

(Sangam Kumar Sahoo, CJ)

(Mohit Kumar Shah, J)

GAURAV S./-

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