

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5986 of 2024

1. Prithviraj Son of Mr. Yogi Paswan Resident of Village Purani Bazar Sangat ward no. -05, Bakhtiyarpur, Patna.
2. Deepak Kumar, Son of Madan Lal Vishwakarma, Resident of Village-Bikram, Block Road, Bikram, Patna.
3. Ankit Anand, Son of Karjesh Prasad, resident of Vill.- Sarayapar, P.O.- Paithana, Islampur Nalanda.
4. Sudhir Kumar, Son of Chandra Shekher Kumar Resident of village Samada, P.O.- Dahiya Patna.

... .. Petitioner/s

Versus

1. The Bihar Staff Selection Commission through its Secretary, Govt. of Bihar, Veterinary College, Patna.
2. The Chairman, Bihar Staff Selection Commission, Govt. of Bihar, Veterinary College, Patna.
3. The Secretary, Bihar Staff Selection Commission, Govt. of Bihar, Veterinary College, Patna.
4. The State of Bihar, through Additional Chief Secretary, General Administration Department, Govt. of Bihar, Patna.
5. The Additional Chief Secretary, General Administration Department, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Alka Verma, Advocate Ms. Akanksha Kumari, Advocate Mr. Pawan Kumar, Advocate
For the Respondent/s	:	Mr. Government Pleader 17
For the BSSC	:	Md. Aslam Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 09-02-2026

Heard learned Counsel for the petitioners, learned
Counsel for the Bihar Staff Selection Commission and learned
Counsel for the State.

2. The present writ petition has been filed for the



following reliefs:-

“(a). To direct the respondents to appoint the petitioners against the vacant available 177 post for which they are eligible after verification of documents and to declare cancelling the candidature of the petitioners for appearing in the counseling against the advertisement no. 06060114 as contained in Annexure- 2 to be malafide, arbitrary, illegal and bad in law.

(b). For commanding respondents Bihar Staff Selection Commission, Patna and its authority to select the petitioners after verification of documents of the petitioners against the advertisement no. 06060114 as the petitioner have been declared innocent after submission of final form in relation to FIR bearing Hawaiadda P.S case no 352 / 2021.

(c). To hold and declare any appointment is made during pendency of the writ application then such appointment against vacancy for which the petitioners had applied for is illegal, arbitrary malafide and in complete violation of Articles 14 and 16 of the constitution of India.

(d). Also commanding the respondents to consider the case of the



petitioner for appointment on the basis of merit cum preference against advertisement no. 06060114 and give other consequential services benefits from the date from which the candidates having lesser marks than the petitioners categories are appointed during pendency of this application.

(e). Also for necessary relief order/direction for which the petitioners are entitled in the eye of law as well as on facts of the case.”

3. Learned Counsel for the petitioners submits that petitioners are intermediate from the recognized institution. They have appeared in the advertisement No.06060114. Counsel submits that there were different posts published in the said advertisement. The petitioners fulfill all eligibility criteria for appointment against Group-A and Group-B post as per the advertisement. Upon filling the form petitioners were issued admit card to appear in the P.T. examination. Their result was published. They have been declared pass in the P.T examination. Admit card regarding main examination was also issued. The petitioners appeared in the Main examination and were declared successful. Counsel submits that when they appeared for counseling, then they have restrained on the ground that their Biometric verification report are not correct.



Counsel further submits that in this regard criminal case bearing Sri Krishnapuri P.S. Case No.352 of 2021 has been lodged. Counsel submits that after completion of investigation, the case was found untrue against the present petitioners.

4. Learned Counsel further submits that the final form has also been accepted vide order dated 17.08.2024 by the competent Civil Court, the said order is annexed as Annexure-A. Counsel submits that vide order dated 17.08.2024 passed in Shri Krishnapuri P.S. Case No.352/2021, G.R. Case No.8520 of 2021, the final form has been accepted by the S.D.J.M., Patna. Learned Counsel submits that thereafter petitioners have filed their representation before the Secretary, Bihar Staff Selection Commission to permit them to appear in the counseling. Learned Counsel for the petitioners further relied on a letter bearing No.16674 dated 16.10.2024, by which the Secretary level officer of the State of Bihar through General Administration Department had written a letter to the Secretary, Bihar Staff Selection Commission to conduct the counseling for one of the similarly situated person, namely, Avinash Kumar, with regard to Advertisement No. 06060114 whose Biometric thumb impression was not compared at that very time.



5. Learned Counsel for the State, on the other hand, submits that it is the Secretary, who has to take the counseling; whereas Counsel for the Bihar Staff Selection Commission submits that Secretary shall take counseling only after instruction from the State Government. He further submits that since recommendation for those counseling has already been made to the government for admission of those successful applicant. Therefore, the Secretary, Bihar Staff Selection Commission cannot take action *suo motu*.

6. In the present facts and circumstances of the case and upon hearing the parties and pleading, this Court finds that the case of the petitioners are exactly similar to the case of Avinash Kumar to whom the State authority of General Administration Department have directed the Secretary, Bihar Staff Selection Commission to conduct the counseling on the ground that in the criminal case final form has come as the case was come untrue and it was accepted by the concerned judicial Magistrate. This Court has perused the order dated 17.08.2024 by which all the persons including the petitioners and others have been exonerated and that criminal case was found untrue. It is due to this reason, this Court is of the firm view that the case of the present petitioner is exactly similar to



the case of Avinash Kumar and, therefore, same treatment be made with the present petitioners also. Therefore, respondent No.5, the Additional Chief Secretary, General Administration Department, Government of Bihar, is hereby directed to take a decision with regard to the petitioners and instruct the Secretary, Bihar Staff Selection Commission, to conduct the counseling of the petitioners and other similarly situated persons within 60 days from today.

7. With the aforesaid direction, the instant writ petition is disposed off.

8. It is made clear that the petitioners shall file their fresh representation along with a copy of this order passed in the present writ petition within two weeks from today.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.02.2026
Transmission Date	

