

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4828 of 2026

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Rahul Kumar Bhardwaj S/o- Ramanand Jha, R/o- Village- Jamua, P.O.- Tarabadi, P.S.-Tarabadi, District-Araria, Bihar-854331.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Health Government of Bihar, Patna.
2. The Secretary, General Administration Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Health, Government of Bihar, Patna.
4. The Director in Chief Department of Health, Government of Bihar, Patna.
5. The Director, Health Department, Government of Bihar, Patna.
6. The Technical Service Commission, 19 Harding Road Patna, through its Secretary.
7. The Chairman, Bihar Technical Service Commission, 19 Harding Road, Patna.
8. The Secretary, Bihar Technical Service Commission, 19 Harding Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anupam Prabhat Shrivastava, Advocate
For the State	:	Mr. S.S. Pd. (SC-8)
		Mr. Anil Kumar (AC to SC-8)
For the BTSC	:	Mr. Nikesh Kumar, Advocate
		Mr. Bijay Choubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-03-2026 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar Technical Service Commission.

2. The present writ petition has been filed for the following relief/s:-



“I. For the issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) to declare the post of Rule 6 of the Bihar Dentist Service (Amendment) Rules, 2023, notified made effective by notification no. 2184(2) / Health dated 06.12.2023 by which 50% horizontal reservation has been provided in all reservation categories for the candidates who passed from dental colleges located within the State of Bihar, i.e., the reservation on the basis of the place of institutions from which the candidates have passed, against the different provisions of Part-III of the Constitution of India and the reservation policy.

II. For the issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) to quash the clause 5(ii) (h) of the advertisement no. 20/2025 issued by Bihar Technical Service Commission, Harding Road Patna by which 50 percent Horizontal reservation has been provided in each reservation categories for the students who have passed the requisite qualification from the Dental Colleges which are run within the territory of the State of Bihar.

III. For the issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) to the respondents that



reservation on the basis of institution from which a citizen of India has got requisite qualification for appointment on a public post is unconstitutional, discriminatory, and unjust, and that the stance of the Respondent in providing reservation among reservation on the basis of institution imparting education in a particular Government of Bihar as against the rest who have pursued the same course from other university or college is discriminatory and against the Rule of Law.

And/Or

IV. For any other relief/reliefs as your Lordships may deem fit and proper.”

3. Learned counsel appearing for the Bihar Technical Service Commission raised preliminary objection and submits that the present writ petition has been filed challenging Clause 5(ii)(h) of the Advertisement No.20 of 2025 relating to appointment of Dentist. He submits that the said advertisement has been published completely in accordance with the Rules framed under Clause 6(3)(b)(iii) of the Bihar Dentist Service (Amendment) Rules, 2023. He further submits that similarly situated matter has already been decided by this Hon'ble Court *vide* order dated 21.07.2025 in C.W.J.C. No. 11007 of 2025 (Puja Sinha Vs. The State of Bihar & Ors.).



4. As such, this writ petition stands disposed off with liberty to the petitioner to challenge the said rule, as in the present writ petition, *vires* of the rule has not been challenged.

(Dr. Anshuman, J)

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