IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1255 of 2026

In

Letters Patent Appeal No.497 of 2025

CNR No. BRHC010447522026

==========

Rama Shankar, Son of Ramchandra Pandit, (UID No. RAM13101983LAW00440767), Resident of House No. 49, Road No. 39, Raghunath Tola, Anishabad, P.S.- Gardanibagh, District-Patna, Bihar.

... ... Petitioner/s

Versus

1. The State of Bihar through Mr. Dr. B. Rajender, I.A.S, (Male), Aged about Not Known to this Petitioner, Son of Not Known to this Petitioner, the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. Mr. Dr. B. Rajender, I.A.S, Son of Not Known to this Petitioner, the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Bihar State Higher Education Council through Mr. Vijay Kumar Choudhary, (Male), Aged about Not Known to this Petitioner, Son of Not Known to this Petitioner, the Chairman, Patna, Bihar.
4. Mr. Vijay Kumar Choudhary, Son of Not Known to this Petitioner, the Chairman, Bihar State Higher Education Council, Patna, Bihar.
5. The Bihar State University Service Commission through Mr. Girish Kumar Choudhary, (Male), Aged about Not Known to this Petitioner, Son of Not Known to this Petitioner, the Chairman, Patna, Bihar.
6. Mr. Girish Kumar Choudhary, Son of Not Known to this Petitioner, the Chairman, Bihar State University Service Commission, Patna, Bihar.
7. The Patna University, Patna, through Mr. Ajay Kumar Singh, (Male), Aged about Not Known to this Petitioner, Son of Not Known to this Petitioner, the Vice-Chancellor.
8. Quemre Alam, Son of Azazul Haque, Resident of Village-Sandali, P.O. and P.S. - Barauli, District - Gopalganj, Bihar-841405.

... ... Opposite Party/s

==========

Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Advocate Mr.Vikas Kumar Jha, Advocate.
For the State	:	Mr. Shashi Bhushan Kumar, AAG-13
For the BSUSC	:	Mr. Pawan Kumar, Advocate
For the P.U.	:	Mr. Nadim Seraj, Advocate Mr. Amit Kumar Mishra, Advocate.

==========

WEB COPY

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

8 28-10-2026 Heard learned counsel for the parties.

2. The present contempt application has been filed alleging non-compliance with the order dated 25.03.2026 passed in LPA No. 497 of 2025, the operative portion of which reads as follows:

> *"37. This Court does not find any embargo, either under the Statutes or the advertisement, in extending due consideration to the order of preference indicated by a candidate. In the considered opinion of this Court, even if a candidate belonging to a reserved category qualifies in the merit list of the unreserved category, his appointment shall undoubtedly be made against a general category vacancy; however, his preference, as indicated at the time of application, must be duly considered. Such an interpretation alone would subserve the constitutional mandate enshrined under Articles 14 and 16 of the Constitution of India. Any deviation from the aforesaid principles would amount to an infraction of the settled propositions of law as noted hereinabove.*
> *38. In view of the aforesaid discussion(s), this Court finds merit in the present Letters Patent Appeal. Accordingly, the same stands allowed.*
> *39. The judgment/order dated 04.04.2025 passed in C.W.J.C. No. 17205 of 2022 by the learned Single Judge is hereby set aside. Consequently, C.W.J.C. No. 17205 of 2025 also stands allowed.*
> *40. The Bihar State University Service Commission is directed, in compliance with the present order, to issue a fresh order of posting in favour of the writ petitioner/appellant strictly in accordance with his indicated preference.*

WEB COPY

3. The show-cause filed on behalf of opposite party No. 5 was found unsatisfactory by this Court vide order dated 12.10.2026. Accordingly, a direction was issued to file a fresh show-cause specifically indicating the steps taken towards compliance with the order under contempt.

4. Vide order dated 26.10.2026, this Court took note of the fact that, despite the dismissal of the challenge to the order dated 25.03.2026 passed in LPA No. 497 of 2025 before the Hon'ble Apex Court and the subsequent directions issued by this Court in the present contempt proceeding, the order under contempt had remained uncomplied with. Consequently, the Chairman of the Bihar State University Service Commission and the Secretary of the Department of Higher Education, Bihar, were directed to remain personally present before this Court on 27.10.2026.

5. It further appears from the order dated 27.10.2026 that learned counsel appearing on behalf of the opposite parties sought time until 28.10.2026 to ensure compliance with the order under contempt.

6. Today, learned counsel appearing on behalf of Patna University has produced a notification issued by Patna University vide Memo No. G/1377 dated 27.10.2026. Let the

WEB COPY

said notification be marked as ‘X’ and made part of the record.

7. Upon perusal of the aforesaid notification, it is apparent that the directions issued by this Court, as affirmed by the Hon’ble Supreme Court, have been complied with.

8. In view of the aforesaid compliance, this Court is of the considered opinion that no further order is required to be passed in the present contempt application as the order under contempt has already been complied with.

9. Accordingly, the present contempt application stands disposed of.

10. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Sujit/-

U			

WEB COPY