

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10244 of 2025**

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1. Rahul Ranjan Sinha S/O Ashok Prasad, Deep Ganga Gas Godam Lane, Near St Karens School, Gola Road Baily Road Danapur Dinapur Cum Khagaul, Danapur Cantt P.S.-Danapur, Dist-Patna-801503.
2. Amitabh Sagar S/o Late Vidya Sagar Paswan B-401 Gajanan Parisar Appartment Arpana Bank Colony, Ranjepal Path P.S. Danapur, Dist-Patna-801503.
3. Aman kumar S/o Bimlesh Mishra, Trilok Nagar Rashida Chak, VTC-Sampatchka P.O. and P.S. Pahari, Dist- Patna- 800070.
4. Shakti Kumar Nayak S/o Rajdeo Nayak, 703 A Block. S.B. Residency, P.S.. Shaldapura more Patna-800014.
5. Shrawan Kumar S/o Styamdeo Mehta, Dadhpa, Utarwari Bigha Gram-Dadhpa Bigha P.O.-Amba, Thana-Kutumba, Dudhpal, Auranabad, Bihar-824111.
6. Ashutosh Kumar Rai S/o Shrikant Rai, ward No.7 Katra Kala, P.O.and P.S-Katra kala, Dist-Kaimur (Bhabua) Prihar-821109
7. Mani Bhushan Kumar S/o Ram Prawesh Panjiyar, ward 14 Garam Araria Bihar-843330.
8. Shivani Mehta D/o Brahmdeo Mahto, State P.S. and P.O- Chhatiara, Dist-Sheikhpura Prihan-811304.
9. Sania Naz D/o Md Kabirddin Ansari Near Tedhi Bazar Masjid Vill- Tedti Bagar, Mohiuddin Nagar Samastipur, P.S. Mohiuddin nagar- 848501

... .. Petitioner/s

Versus

1. The State of Bihar Through Chairman Prihar, Technical service. Commission, 19 Harding Road, Rajbansi Nagar Patna-800061 Bihar.
2. Incharge Secretary Bihar Technical Service Commission 19, Harding Road Rajbansi Nagar Patna- 800061 Bihar
3. The Director in Chief Department of Health Government of Bihar Patna.
4. The Principal Secretary Department of Health Government of Bihar Patna.
5. Chairman Bihar Technical Service Commission through its Secretary Bihar Technical service commission 19, Harding Road Rajbansi Nagar, Patna-800061

... .. Respondent/s

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WITH  
**Civil Writ Jurisdiction Case No. 11026 of 2025**

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Shristi @ Shrishti D/o Ashok Kumar, Resident - 278, Ward No.-27, Balutal, Subash Colony, Motihari (East Champaran), Bihar- 845401.



... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Health Department, Government of Bihar, Patna Bihar.
2. The Incharge Secretary, Bihar Technical Service Commission, 19 Harding Road, Rajbasni Nagar, Patna- 800061, Bihar.
3. The Director in Chief, Department of Health, Government of Bihar, Patna.
4. The Principal Secretary, Department of Health, Government of Bihar, Patna.
5. The Chairman, Bihar Technical Service Commission through its Secretary, Bihar Technical Service Commission 19 Harding Road, Rajbanshi Nagar, Patna-800061.

... .. Respondent/s

**Appearance :**

(In Civil Writ Jurisdiction Case No. 10244 of 2025)

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| For the Petitioner/s | : | Mr. Binod Kumar Bariar, Advocate    |
| For the Respondent/s | : | Mr. Anir/// Standing Counsel (24)   |
|                      |   | Mr. Rajat Kumar Tiwary, AC to SC-24 |
| For the B.T.S.C.     | : | Mr. Nikesh Kumar, Advocate          |
|                      |   | Mr. Bijay Choubey, Advocate         |
| For the Intervenor   | : | Mr. Niranjana Kumar, Advocate       |
|                      |   | Mr. Rohan Kumar, Advocate           |
|                      |   | Ms. Dikshika Singh, Advocate        |

(In Civil Writ Jurisdiction Case No. 11026 of 2025)

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|----------------------|---|----------------------------------------|
| For the Petitioner/s | : | Mr. Binod Kumar Bariar, Advocate       |
| For the Respondent/s | : | Mr. Mahendra Prasad Verma, AC to SC-20 |
| For the B.T.S.C.     | : | Mr. Nikesh Kumar, Advocate             |
|                      |   | Mr. Bijay Choubey, Advocate            |

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      13-03-2026

**Ref: I.A. No.1 of 2025 in CWJC No.10244 of 2025**

Learned Counsel for the petitioners submits that the present interlocutory application has been filed for adding them as intervenor respondents in the present writ petition to oppose the prayer made in paragraph-1 of the writ petition.

2. Learned Counsel submits that the writ petition was filed for grant of relief in the nature of declaration that Rule-5 of



Bihar Veterinary Service (Appointment and Service Conditions) Amendment Rules, 2020 by which a resolution dated 17.09.2018 contained in Memo No.12535 issued from the General Administration Department of the State in which 50% horizontal reservation would apply for the candidates who have passed from veterinary colleges of the State of Bihar has to be declared *ultra vires*. The further relief has been made in the writ petition to quash Clause (1) of Advertisement No.2/2022 with further relief to issue mandamus commanding the concerned respondent authorities to refrain from extending the benefit of 50% reservation with other reliefs.

3. Learned Counsel for the Bihar Technical Service Commission, on the other hand, submits that till date result has not published from Bihar Technical Service Commission and in the final selection list name of petitioners of I.A. No.1 of 2025 has not come. It is due to this reason, no right has accrued to the petitioners of I.A. NO.1 of 2025. Therefore, he submits that the said is premature.

4. Learned Counsel for the writ petitioners has pleased to submit that whatever be the reliefs he has demanded in the present writ petition and whatever the reliefs mentioned by the intervenor petitioners in the I.A. are quite different.



5. Upon perusal of I.A. No.1 of 2025, it transpires to this Court that number of the present writ petition is 10244 of 2025 whereas the intervenor petitioners have mentioned in paragraph 3 about the reliefs relating to another writ petition, namely, CWJC No.4437 of 2022, the reliefs as mentioned in paragraph No.3 of I.A. No.1 of 2025 and the relief mentioned in the writ petition are quite different. Therefore, this Court is of the firm view that this interlocutory application is basically misguided and full of defects in the pleading itself.

6. Hence, in this view of the matter, I.A. No.1 of 2025 is hereby rejected without considering the merit or demerit of the case.

**Ref: I.A. No.2 of 2026 in CWJC No.10244 and I.A. No.1 of 2026 in CWJC No.11026 of 2026**

7. The present writ petitioners have filed both the interlocutory applications for amendment of paragraph-1 of the main petitions challenging the validity of the Act as well as Bihar Dentists Service Rules, 2014 and its corresponding Amendment Rule, 2023 and Amendment Rule 2024 on the basis of which the commission has issued Advertisement No.20 of 2025. The ground for addition of prayer has been mentioned in paragraph-3 of both the I.A. that Sub-clause (ii) of Clause-5 of



the said Advertisement No.20/2025 dated 10.03.2025 relating to non-grant of the benefits of reservation to candidates who have qualified in B.D.S. degrees from College/Universities situate outside the State of Bihar for the post of Dentists on vacant post in the Government is contrary to the provisions of Articles 14, 16 and 21 of the Constitution of India.

8. Learned Counsel for the Bihar Technical Service Commission, on the other hand, submits that Clause 5(ii)(h) of the advertisement No.20 of 2025 dated 10.03.2025 has been published completely in accordance with Bihar Dentists Service Rules 2014 with its latest amended Rule 2023 and 2024, but in the writ petitions only advertisement was challenged and in the present interlocutory applications also there is no specific pleading that which provision of the the Rule is violative to the constitution. According to him, in the subordinate legislation, the actual subordinate legislative provision has to be challenged which has not been indicated either in the writs or in the I.As. He further submits that in another case, namely, **Puja Sinha Vs. The State of Bihar CWJC No.11007 of 2025 order dated 21.07.2025** in such type of situation this Court has granted liberty to challenge the relevant Rule by way of filing a separate writ petition. The similar circumstances is present in the present



I.As. also. He also submits that on the one hand petitioners have filed the amendment petition for addition of the prayer whereas on the other hand they have also filed intervention petition bearing CWJC No.5898 of 2025, in which the said Rule is under challenge.

9. Upon perusal of the pleadings made in the I.As. as well as in the writ petitions, it transpires to this Court that there is no specific pleading made by the Counsel for the petitioners that what provision of the Bihar Dentists Service Rules 2014 with Amended Rules 2023 and 2024 have been violated and Clause 5(ii)(h) of Advertisement No.20 of 2025 has been published. It has also not been pleaded anywhere that which of the provisions of the said Rules and its amended Rules are violative to the constitution either in the writ petitions or in the interlocutory applications; whereas the observation made in the case of Puja Sinha Vs. The State of Bihar passed in CWJC No.11007 of 2025 dated 21.07.2025 whose paragraph Nos.4 to 7 states as follows:

*“4. In response thereof, Counsel for the petitioner submits that another Writ Petition bearing CWJC No.10244 of 2025 is pending before this Court, in which next date has been fixed on 29.07.2025 before the appropriate Bench within top five cases.*



5. Upon going through Clause 6(3)(b) (iii) of the Bihar Dentish Service (Amendment) Rules, 2023, which states as follows:-

“50 percent horizontal reservation will also be applicable in all reservation categories for the candidates who passed from the dental colleges located within the State of Bihar.”

6. It transpires to this Court that the said advertisement is completely in accordance with the Rules and from the pleadings it transpires to this Court that petitioner has not challenged the Rule, but unfortunately challenged directly to the Advertisement.

7. In this background, this Court is not inclined to interfere in this writ petition. Accordingly, the writ petition stands dismissed. ”

10. This Court is of the firm view that half hearted draft for amendment in the main prayer cannot be allowed. Therefore, I.A. No.2 of 2026 in CWJC No.10244 of 2025 and I.A. No.1 of 2025 in CWJC No.11026 of 2025 are hereby rejected.

**Ref: CWJC Nos.10244 and 11026 of 2025**

11. Learned Counsel for the petitioners submits that permission may be granted to withdraw both these writ petitions with liberty to challenge the said Rule before appropriate forum.



12. In the light of submissions made by the learned Counsel for the petitioners, both these writ petitions are dismissed as withdrawn with liberty to challenge the said Rule before the appropriate forum.

**(Dr. Anshuman, J)**

Mkr./-

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