IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15787 of 2026

CNR No. BRHC011051472026

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Richa Rashmi W/O Chandan Kumar R/O Satsang Colony, Near Ram Babu Singh House, Mohalla- Belbanwa P.O- Belbanawa P.S- Town Distt-Motihari.

... ... Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director Secondary Education, Department of Education, Government of Bihar, Patna.
4. The Director Secondary Education, Department of Education, Government of Bihar, Patna.
5. The Bihar Public Service Commission through its Chairman, Baily Road, Patna.
6. The Chairman, Bihar Public Service Commission, Baily Road, Patna.
7. The Secretary, Bihar Public Service Commission, Baily Road, Patna.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Ravi Ranjan, Advocate
For the Respondent/s : Government Pleader (12)
Mr. Kaushalendra Kumar Jha, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 29-10-2026 Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The instant writ application has been filed for the following reliefs:-

> *(i) For directing the respondent authorities to accept her candidature for the post of secondary teacher as well as Senior Secondary Teacher for the same advertisement has already been published by the Bihar Public Service Commission (for brevity hereinafter referred to be called as the Commission) through Advertisement No.15/2026, against the same she is not being allowed on the ground that over age, on the ground that the writ petitioner is similar to cases before*

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Hon'ble Supreme Court wherein one time age relaxation has been granted by the Hon'ble Supreme Court.

(ii) For any other relief to which the petitioner is legally entitled to in the facts and circumstances of the case.

3. Learned counsel for the petitioner, by referring to the resolution of the General Administration Department, as contained in Memo No. 2374 dated 16.07.2007, read with Letter No. 524 dated 13.01.2022, submits that, in view of the decision taken by the Government, five attempts are required to be extended in the TRE examination held in terms of the Bihar State School Teachers Appointment Rules, 2023 and in terms of the judgment rendered by the Hon'ble Apex Court in SLP (C) Diary No. 28464/2025, the petitioners who had approached the Hon'ble Apex Court for participating in the said examination, having been debarred on the ground of age bar, were extended the privilege to appear as a one-time measure. However, for unexplained reasons, such privilege, having been extended to similarly situated persons, is not being extended in the case of this petitioner.

4. It has next been submitted, by referring to the order passed by the Hon'ble Apex Court in Civil Appeal No. 1943 of 2022 ***(Lt. Col. Suprita Chandel Vs. Union of India & Ors.)***,

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disposed of on 09.12.2024, that it has specifically been observed by the Hon'ble Apex Court that persons who are similarly situated may not be required to approach the Hon'ble Apex Court for similar relief. If persons are found eligible and are similarly placed, the benefits extended to similarly situated persons may also be extended to them without requiring them to seek similar relief. Paragraphs 14 and 16 thereof, being relevant, are extracted hereinbelow:

> *"14. It is a well settled principle of law that where a citizen aggrieved by an action of the government department has approached the court and obtained a declaration of law in his/her favour, others similarly situated ought to be extended the benefit without the need for them to go to court. [See Amrit Lal Berry vs. Collector of Central Excise, New Delhi and Others, (1975) 4 SCC 714] 16. No doubt, in exceptional cases where the court has expressly prohibited the extension of the benefit to those who have not approached the court till then or in cases where a grievance in personam is redressed, the matter may acquire a different dimension, and the department may be justified in denying the relief to an individual who claims the extension of the benefit of the said judgment."*

5. It is in this background, the State authorities are directed to adjudicate the claim of the petitioner and take a final decision as to whether similar relief extended to similarly situated persons who had approached the Hon'ble Apex Court vide SLP (C) Diary No. 28464/2025 in the TRE-3 examination,

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permitting them to take five attempts in the examination, can also be extended to the petitioner, who is stated to have attempted the examination only twice. If, upon consideration of the relevant decisions, the petitioner is found eligible, the necessary decision shall be taken to permit the petitioner to appear in the examination.

6. It is expected that the entire exercise shall be carried out within a period of four weeks from today. If the petitioner's claim is found genuine and covered by the resolution referred to by the petitioner, as mentioned in the press note, the necessary decision shall be taken and communicated to the Bihar Public Service Commission for allowing the petitioner to appear in the examination.

7. With the aforesaid, the writ application stands disposed of.

8. It is made clear that this Court has not observed anything on merit and the authorities are always at liberty to take decision in respect of claim of this petitioner.

(Ajit Kumar, J)

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