

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18860 of 2024

Vijay Prasad Son of Late Akhileshwar Prasad Resident of Sector- 3 SFA,
Block- 5, Flat No.- 13, Near SBI, ATM, BH. Colony, P.S.- Agamkuan,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar the Additional Chief Secretary, Education Department,
Govt. of Bihar, Patna.
2. The Chairman, the Bihar State University Service Commission, Budh Marg,
Patna-1.
3. The Secretary, the Bihar State University Service Commission, Budh Marg,
Patna-1.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dharendra Singh, Adv.
For the Respondent/s : Mr. Anjani Kumar, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 27-01-2026 Heard the parties.

2. At the outset, Mr. Anjani Kumar, learned Senior Advocate representing the Bihar State University Service Commission opposed the maintainability of the writ petition, in view of non impleadment of necessary party, besides the challenge having not been made to the result issued in favour of the successful candidates to the post of Assistant Professor (Physics) in terms with Advertisement No. 33/2023. It is further contended that on identical issue, the co-ordinate Bench of this Court has refused to maintain the writ petition bearing CWJC No. 6917 of 2025, which stands affirmed by the learned



Division Bench of this Court in LPA No. 640 of 2025. Taking this Court through the aforementioned decisions, it is submitted that the present petition is also not maintainable in view of the settled position.

3. This Court finds substance in the submission of the learned Senior Advocate representing the Commission.

4. It would be worth benefiting to remind the decision of the Apex Court in the case of **Pravodh Verma & Ors. v. State of Uttar Pradesh & Ors. [(1984) 4 SCC 251]**, wherein the Court has observed that “....*A High Court ought not to decide a writ petition under Article 226 of the Constitution without the persons who would be vitally affected by its judgment being before it as respondents...*”

5. Similarly in **B. Ramanjini & Ors. v. State of A.P. & Ors. [(2002) 5 SCC 533]**, where selection of certain teachers was challenged without impleading them, the Apex Court held as follows:-

“19. Selection process had commenced long back as early as in 1998 and it had been completed. The persons selected were appointed pursuant to the selections made and had been performing their duties. However, the selected candidates had not been impleaded as parties to the proceedings either in their individual capacity



or in any representative capacity. In that view of the matter, the High Court ought not to have examined any of the questions raised before it in the proceedings initiated before it. The writ petitions filed by the respondents concerned ought to have been dismissed which are more or less in the nature of a public interest litigation.”

6. Confronted with such a situation, learned Advocate for the petitioner seeks permission to withdraw the present writ petition with a liberty to file a fresh writ petition.

7. In view thereof, the present writ petition stands dismissed as withdrawn with the liberty aforesaid.

(Harish Kumar, J)

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