

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.633 of 2013

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1. Brij Kishore Prasad Son of Late Ram Sagar Prasad Resident of S.V.M. Science Coaching, Opp. D.A.V. School, Gopalganj
 2. Mahboob Alam Son of Late Kishmat Shah Resident of Ward No. 25, Dargah Road, Gopalganj
 3. Rajesh Nath Pal Son of Late Vishwanath Rawat Resident of Village- Sereya Hosi, Verinari Tola, Ward No. 15, Gopalganj, P.S. District- Gopalganj
 4. Kishore Kumar Son of Late Chandeshwar Prasad Singh Resident Of Village- Rajendra Nagar, Ward No. 21, Gopalganj, District- Gopalganj

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner Cum Secretary, Department of Personnel and Administrative Reforms, Bihar, Patna
3. The District Magistrate/Collector, Gopalganj
4. The Chairman, Bihar Public Service Commission, Jawahar Lal Nehru Marg, Patna

... .. Respondent/s

Appearance :

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| For the Petitioner/s | : | Mr.Purushottam Jha, Advocate Mr.Dhramveer, Advocate |
| For the BPSC | : | Mr.Kaushal Kumar Jha, Sr. Advocate Mr.Amish Kumr, Advocate |
| For BPSC State/Res/s | : | Mr.Satya Vrat, AC to GP 10 |

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

8 30-04-2024 Heard Mr. Purushottam Jha along with Mr. Dhramveer, learned counsels appearing on behalf of the petitioners; Mr. Kaushal Kumar Jha (Senior Advocate) along with Mr. Amish Kumar, learned counsels for the Bihar Public Service Commission and Mr. Satya Vrat, learned AC to GA 10 for the Respondents/State.

2. Mr. Purushottam Jha, leaned counsel appearing on



behalf of the petitioners seeks to withdraw the present writ petition so far as petitioner no.1 (Brij Kishore Prasad) is concerned, who has already been appointed in different organization.

3. So far as petitioner nos. 2, 3 and 4 are concerned, in paragraph no.1 of the present writ petition, they have made following relief(s), which are re-produced hereinafter *inter alia* as follows :-

“That this writ application is being filed on behalf of the petitioners in the nature of writ/writs, order/orders, direction/directions on the respondents for appointment of the petitioners against the Advertisement No.51/1998, relating to Gopalganj district for different post in light of CWJC No.7032/2007 (Chandradeo Sigh & Ors. Vrs. The State of Bihar & Ors.), disposed on 24.01.12.”

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioner nos. 2, 3 and 4 seek to file a detail representation for redressal of their grievance, as sought for in the present writ petition.

5. Considering the aforesaid submissions made on behalf of the petitioners, I do not find to pass any order on merit or pleadings made in the present writ petition.

6. Considering the very facts of the case, it appears that the advertisement is of the year, 1998, examination was held on 13-14th September, 2003 and the final result was



published by the Bihar Public Service Commission in the year, 2007 and thereafter some of the candidates from the merit list filed a representation before this Court bearing **CWJC No.7032 of 2007 (Chadradeo Singh & Ors Vs. The State of Bihar & Ors.)** and finally the matter was travelled up to the Apex Court by them bearing **SLP No.5655 of 2014 (Chandradeo Singh & Ors. Vrs. State of Bihar & Ors.)** and the Apex Court finally passed order dated 08.09.2021 merely observing therein **“....that this order has been passed on the peculiar facts and circumstances of the present case and shall not be treated as precedent”**.

7. In such circumstances, the petitioners can not claim any parity with the candidates, who had filed CWJC No.7032 of 2007, as the petitioners having preferred the present writ petition after seven years of the writ petitioners of CWJC No.7032 of 2007 had approached this Court.

8. Since the petitioners have restricted their relief(s) and have not pressed on merit before this Court, the petitioner nos. 2, 3 and 4, if so advised, may file a detail representation before the District Magistrate, Gopalganj (respondent no.3), who will consider and dispose of the representation of the petitioners well within a period of six weeks from the date of



passing of this order

9. With the above observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

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