

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18038 of 2021

Sweety Kumari D/o Ajay Kumar R/o Chitkohra Beur Road Ambedkar
Chowk Near Ratan Apartment, P.S.- Beur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, General Administrative Department, Govt. of Bihar, Patna.
2. The Chairman, Bihar Public Service Commission, Patna.
3. The Secretary, Bihar Public Service Commission, Patna.
4. The Special Secretary cum Controller of Examination, Bihar Public Service Commission, Patna.

... .. Respondents

Appearance :

For the Petitioner : Mr. Sanjay Kumar Sharma, Advocate
For the Respondents : Dr. Anand Kumar, AC to AAG-3

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
RAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE VIKASH JAIN)**

Date : 03-11-2021

Heard learned counsel for the petitioner and learned counsel for the State. Learned counsel for the petitioner has filed an undertaking to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.



2. The present writ petition has been filed “for a direction to the respondents to consider the appointment of the petitioner on the post of Civil Judge (Junior) which was conducted by Bihar Public Service Commission as per Advertisement No. 06/2018 i.e. (30th Bihar Judicial Service Competitive Examination) and also assigned the reason why the petitioner was not considered for the selection on the aforesaid post in spite of having all required criteria as to required for the selection under Schedule Caste Category.”

3. Learned counsel for the petitioner states that the petitioner’s name was not published in the result of the examination of 30th Civil Judge (Junior Division) and her candidature was cancelled in absence of production of the original character certificate at the time of interview.

4. Learned counsel for the petitioner however fairly accepts that the issues involved in the present writ petition stand already decided in the case of another similarly situated person in *C.W.J.C. No. 24282 of 2019 (Aarav Jain Vs. The Bihar Public Service Commission and Ors.) reported in 2021 (2) PLJR 867*, which was dismissed with the following observations -

*“32. Thus, in view of the law laid down by the Hon’ble Apex Court in the case of **Basawaraj** (supra), even if some persons have been given the opportunity to produce their documents, which cannot be said to be in accordance with the provisions of the terms of the*



advertisement, the same would be of no help to the case of the petitioner herein. The Court finds no merit in this contention also of the petitioner and the same is rejected.

33. *Having heard learned counsel for the parties and in view of the facts and circumstances as discussed hereinabove, the Court finds no merit in the writ application and the same is dismissed. There shall be no order as to costs."*

5. Similar view has been taken in *C.W.J.C. No. 2172 of 2020 (Ratnakar Dubey and Ors. Vs. The State of Bihar and Ors.)*, reported in 2021 (2) PLJR 778.

6. It is stated that SLP Nos. 10776 of 2021 and SLP No. 11089 of 2021 have been filed in the above matters and are pending before the Hon'ble Supreme Court.

7. Learned counsel for the State appears and has been heard.

8. Having regard to the stand of the petitioner, the present writ petition is dismissed for the same reasons and in line with the judgment passed in the aforesaid *C.W.J.C. No. 24282 of 2019 (Aarav Jain Vs. The Bihar Public Service Commission and Ors.)*.

9. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1



hereinabove, failing which the matter shall be brought to the notice
of this Court.

(Vikash Jain, J)

(Rajesh Kumar Verma, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.11.2021
Transmission Date	N.A.

