

ITEM NO.101

COURT NO.7

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal Nos. 199-201/2017

THE STATE OF BIHAR AND ANR. ETC.

Appellant(s)

VERSUS

DHARAMVIR PRASAD AND ORS. ETC.

Respondent(s)

WITH

C.A. No. 3700/2017 (XVI)

Date : 13-11-2024 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI

HON'BLE MR. JUSTICE RAJESH BINDAL

For Appellant(s)

Mr. Narendra Hooda, Sr. Adv.  
Mr. Samir Ali Khan, AOR  
Mr. Pranjal Sharma, Adv.  
Mr. Kashif Irshad Khan, Adv.

Mr. Ajay Kumar Talesara, AOR  
Mr. Mushthaqu Rahman, Adv.

For Respondent(s)

Mr. Rituraj Choudhary, Adv.  
Mr. Chandan Kumar, AOR  
Ms. Nanda Devi Deka, Adv.

Mr. Azmat Hayat Amanullah, AOR  
Ms. Rebecca Mishra, Adv.

Mr. Navin Prakash, AOR

Mr. Brajesh Kumar, AOR  
Mr. Arjun Prasad Sinha, Adv.

Mr. Satish Kumar, Adv.  
Mr. Rajesh Singh Chauhan, AOR

UPON hearing the counsel the Court made the following

**O R D E R**

- 1) Arguments are heard in part.
- 2) During hearing, considering the provisions of Bihar Secretariat Service Act, 2007 (hereinafter referred to as '2007 Act' for short) and Bihar Secretariat Service (Appointment through limited competitive examination to the grade of Section Officer) Regulation, 2009 (hereinafter referred to as 2009 Regulations) as contended, the concept of 20 per cent posts through limited competitive examination has been brought in.
- 3) Section 24 of the 2007 Act indicates that earlier, "The Joint Cadre of Assistants of Secretariat and Attached offices Act 1989", "The Joint Cadre of Assistants of Secretariat and Attached Offices (Amendment) Act, 1993 and "The Joint Cadre of Assistants of Secretariat and Attached Offices Rules, 1992, were in vogue which were repealed by this Act.
- 4) In the terms of the definition clause 2(1) of 2009 Regulations, 'available vacancies' and its calculation have been specified co-relating with Regulation 3(2) also. However, the details of the vacancies carved out by the Department on the date of advertisement year-wise may be specified. The State

has to file additional affidavit, in the facts and circumstances of the present case, commensurate to the provisions of the 2007 Act and the 2009 Regulations as to how and in what manner, the date of eligibility of the Assistant for appointment/promotion to the post of Section Officer for the purpose of 20 per cent posts through limited competitive examination may be carved out.

5) The said affidavit be filed on or before 28<sup>th</sup> November, 2024. Rejoinder, if any, be filed on or before 06<sup>th</sup> December, 2024.

6) List in the week commencing 09<sup>th</sup> December, 2024, for final hearing.

**(NIDHI AHUJA)**  
**AR-cum-PS**

**(NAND KISHOR)**  
**COURT MASTER (NSH)**