

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16384 of 2011

- =====
1. Mamta Kumari W/O Ajit Kumar, R/O Village Gouchhari, P.O. - Gopalpur, Khagaria
 2. Swati Patel D/O Balmiki Prasad R/O Village - Chakdah, P.O. - Aungari, P.S. - Ekanger Sarai, Nalanda
 3. Renu Kumari W/O Brijesh Prasad C/O Vidya Bhushan Prasad, Near Dhari Prasad Advocate, At Mohalla - Shiv Nagar, Hilsa, P.O. Hilsa, P.S. - Nalanda
 4. Sunil Kumar S/O Ramsinghasan Ram R/O Baghini, P.O. - Harnathpur, P.S. - Mohania, Kaimur, Bhabhua
 5. Anushri Kumari W/O Raj Shekhar Sinha, R/O Village And Post - Rampur, Via Mathurapur, Distt. - Bhaglpur
 6. Ranjeet Kumar S/O Ramrup Rajak R/O Village Kheman Bigha, Post Noorsarai, Distt. - Nalanda
 7. Nibha Kumar C/O Upendra Paswan R/O Village - Bajitpur, P.S. - Muffasil, Distt. - Begusarai
 8. Kundan Kumar S/O Phulish Mandal R/O Village - Maraiya, P.O. - Popralatif, P.S. - Parbatta, Khagaria
 9. Anita Kumari W/O Vinod Kumar Singh R/O Vilalge Saneya, P.O. - Bamhwar, P.S. - Piro, Dist. - Bhojpur
 10. Mala Kumari W/O Bhagwanpur Chowk Bahbha Nagar, Chamartoli Thana Sadar, Post Bhagwarnpur, Muzaffarpur
 11. Pankaj Kumar Paswan S/O Of Mundrika Paswan, R/O Village - Bhanali, Post.- Bhanail, P.S.- Akbarpur, Nawadah
 12. Aasha Kumari, D/O Of Mahesh Prasad, R/O Village + Post - Itasangh, Post - Rahul, Distt. - Nalanda
 13. Soni Kuamri W/O Jinesh Kumar C/O Ram Nandan Yadav, Bachwara, Tara, Post - Bachwara, Begusarai
 14. Lalita Kumari W/O Birendra Kuamr Singh R/O Village - Bhopatpur, P.O. - Bensagar, Post Bchwara, Distt. - Begusarai
 15. Bhusan Kumar Rajak S/O Bhikari Ram R/O Village - Gahani (N.S.), P.S. - Chakpokhari, Post - G.Rhani, Bhojpur
 16. Ajay Kumar Paswan S/O Girimal Paswan State Welfare Hostel, Kashipur, Room No. 6, Samastipur
 17. Nagendra Kumar Chaudhari S/O Nemi Chaudhary R/O Village - Balhan Ali Mardanpur, P.O. - Rampur Lawa, P.S. - Bhagwanpur, Distt. - Siwan
 18. Rubi Kumari D/O Rajendra Mahaldar R/O Village , P.O. And P.S. - Sabour, Distt. - Bhagalpur
 19. Sony Suman D/O Subhash Prasad Yadav R/O Village - Gopalpur, P.O. Bahadurpur, P.S. - Sera Mile, District - Bhagalpur
 20. Gudiya Parween D/O Of Abid Husain R/O Village Nondhi, P.O. - Bakey Bazar, Gaya
 21. Sangeeta Baske D/O Suraj Baskey R/O Village Sanhotari, P.O. - Sukha Barhait, P.S. - Bounsi, Distt. - Banka
 22. Alpna Bharti, W/O Mandan Kumar, R/O Village - Jogachak, Post. - Kawakol, Nawadah
 23. Shailesh Kumar S/O Gama Ram, R/O Village And Post - Paikauli Bada, P.S. - Gopalganj
 24. Chhathu Ram S/O Goendra Ram R/O Village And Post - Naini, P.S. -

Muffasil, Dist. - Chapra

25. Suman Kumari W/O Duheswar Singh R/O Village - Nonar, P.S. - Daudnagar, Aurangabad

26. Sangita Kumari D/O Raj Kuamr Rai R/O Seriyan, Post - Baijubara, P.S. - Basantpur

27. Vijay Kumar S/O Shiv Nandan Mochi, R/O Onkari, Post - Jatipur Kurua, P.S. - Ghoshi, Distt. - Jehanabad

28. Dharmaraj Kumar, son of Bhola Prasad, resident of village Bhola Bag, Ara, Bhojpur

29. Bablu Kumar S/O Devendra Paswan R/O Village - Sabarchak, Post - Shormpur, P.S. - Naubatpur, Distt. - Patna

30. Sneha Kumari D/O Mahendra Prasad Gupta At + P.O. Samell, Via - A.G.Bazar, Dist. - Katihar

31. Nagendra Kumar S/O Lalan Prasad R/O Village Sondihra, Post Baraila, P.S. - Shiwsagar, Distt. - Rohtas

32. Manoj Kumar S/O Mahadev Das R/O Mohalla - Ramgarh, Paschimi, P.S. + Distt. - Jehanabad

33. Raju Ranjan Kumar S/O Gyandas Paswan R/O Village - Rupaich, Post - Ushari, Distt. - Arwal

34. Satish Kumar Baitha, son of Pannlal Baitha, resident of village and Post Barwat Pasrain, P.S. Mufasil Bettiah, West Champaran

35. Wakeel Kumar, son of Suraj Prasad, resident of village Dharmapura, Post Indour, P.S. Itarhi, District Buxar

36. Om Prakash Paswan, son of Laljee Paswan, resident of village Hethua, Post Hethua, P.S. Rajpur, District Buxar

37. Uma Kumari, wife of Genalel Harigan, resident of village Kharwjan, P.O. Lasrari, Bhaya Jagishpur, District Banka

38. Rajesh Kumar, son of Chhatri Singh, resident of village Laxmipur, Sita kundih, P.O. Dariyapur, P.S. Mufasil, District Munger

39. Brajesh Kumar, son of Bishwa Nath Nut, village Kanpura, Post Office Unwas, P.S. Itarhi, Buxar

40. Rinki Kumari, wife of Manik chand Saw, resident of village Beldarya, Post Raitar, District Nalanda

41. Amarjeet Gond, son of Jawahar Gond, resident of village Lalu Ke Dera, P.O. Laxmi Ke Dera, P.S. Shahpur, Bhojpur

42. Dilip Kumar, son of Pramod Kumar Paswan, resident of village narsan, P.S. Itwan, District Aurangabad

43. Satyendra Kumar, son of Ram Ashish Das, resident of village Mohammadpur, Post Haripur, P.S. Koelwar District Bhojpur

44. Baby Kumari, daughter of Modi Kapri, resident of village Naptulia, P.O. Rajoun, P.S. Rajoun, District Banka

45. Rani Kumari, daughter of Dinesh Prasad, resident of Loco Cononey, Khagaul, Danapuri, District Patna

46. Daulat Ram, son of Shukdeo Mandal, resident of village Kantpur Post Nawagarhi, P.S. Naya Ram Nagar, District Munger

47. Pratibha Kumari, daughter of Bipin Kumar Yadav, resident of village and Post Lakhminia, P.S. Balla, District Begusarai

48. Sunil Kumar Rajak, son of Awadhbihari Rajak, resident of village Simari Khaira, P.O. and P.S. simari, District Buxar

49. Saroj Kumar, son of Dudarshan Ram, resident of village Kalyanpur, P.S. durgavti, District Kaimur (Bhabhua)

50. Lal Babu Ram, son of Surti Ram, resident of village godhiya, Post

- Kusouthar, Vidya Laheriya Saray, Darbhanga, Roll No. 78080331
51. Dayamanti Kumari, daughter of Aditya Kumar das, resident of village Imaliya Chak, Post Rampur, P.S. Rampur, District Gaya
52. Usha Kumari daughter of Shree Ajay Kumar Paswam resident of village Barheta, P.S. Bahadurpur, District Darbhanga, Roll No. 78100563
53. Shivam Priya, daughter of Kameshwar Paswan resident of village Baheri, P.O. Baheri, District Darbhanga, Roll No 7830583
54. Sonu Kumar, son of Bhuneshwar Paswann resident of village Lahiladpur, P.S. Ranitalab, (Kanpa), Patna
55. Dinesh Chaudhary, son of Ram Pravesh Chaudhary, resident of village Daultabad, P.O. Panditganj, P.S. Kadirganj, District Patna
56. Anand Kumar, son of Sri Harihar Prasad, resident of village and pots Shamsher Nagar, P.S. Daudnagar, District Aurangabad
57. Kumari Savitri, wife of Ram Babu Ram, resident of Rampur Diyara, P.S. Maner, District Patna
58. Mamta Kumari, wife of Mithilesh Kumar, resident of village Bara Bigha, P.O. Pawapuri, District Nalanda, Sweta Kumari, daughter of Mahesh Prasad Roy, resident of village and Pot Dight Kalan (East), P.S. Hajipur (Sadar), District Vaishali
59. Mukesh Kumar Ravi Das, son of Basant Ravi Das, resident of village Kutubpur, P.O. Narayanpur, P.S. Manihari, District Manihari, Begusarai
60. Jitendra Paswan son of Sri Ganesh Paswan, resident of village Baldari Chak, P.O. Kansari, P.S. Gauri Chak, District Patna
61. Pappu Rajak, son of Machchu Rajak, resident of village balaulia, P.S. Jandaha, District Vaishali
62. Rajesh Kumar, son of Sri Ravinddra Sherma, resident of village Karnauti, P.S. Bakhtiyarpur, District Patna
63. Upashna Kumari, daughter of Jawahar Rai, resident of village Adalpur, P.O. Adalpur, Via Sanghara Thana Jandaha, district Vaishali 71260063
64. Geeta Devi, C/o Bindeshwari Prasad, resident of village Jhitakahiya, Mohaniya, P.O. Mohaniwa Kumma, District Sitamarhi Roll No. 72030268
65. Pawan Kumar Paswan, son of Umish Paswan, resident of village Tetia, P.O. Tetia, Bamber, P.S. Tetia, Bamber, District Munger Roll No. 9534675413
66. Jitendar Paswan, son of Kameshwar Paswan, resident of village Hariba, Post Bahadurpur, District PS Rajauli, Nawadah, roll No. 65010825

.... Petitioners

Versus

1. The State of Bihar, through the Director General of police, State of bihar, Patna
2. The Principal Secretary, Department of Home (Police), Govt. of Bihar, Patna
3. The Principal Secretary, General Administrative Department (Personnel Administrative Reforms Department), Govt. of Bihar, Patna
4. The Central Selection Board of Constable, Bihar, Patna through its Secretary
5. The Chairman of Central Selection Board of Constable, Bihar, Patna

.... Respondents

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with

Civil Writ Jurisdiction Case No.10057 of 2012

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1. Praveen Kumar Son Of Sri Bir Bahadur Roy Resident Of Village Karbasin, Post - Sahar, P.S.- Sahar, District - Bhojpur, Roll No. 66200428, Category Bc 2, Pet On 01.10.2010
 2. Satyajeet Kumar Son Of Krishna Prasad Resident Of Village - Bangali Bigha, P.S. - Chandauti, Post Gaya, District - Gaya, Roll No. 62030032, Category Sc, Pet On 30.09.2010
 3. Chanchal Kumar Das Son Of Surya Narayan Das Resident Of Village And Post - Pakri, P.S.- Nawada, District - Bhojpur (Ara), Roll No. 66010925, Category Sc, Pet On 25.09.2010
 4. Karn Singh Son Of Paras Nath Singh Resident Of Village Pakri New Shiv Mandir (Ara), Post Nawada (Ara), P.S. - Nawada (Ara), District - Bhojpur, Roll No. 66240652, Category Obc(Bc I), Pet On 27.09.2011
 5. Ravindra Kumar Son Of Tribhuwan Singh Resident Of Village - M.P. Bag, Ara, Post - Ara Kachahari, P.S.- Town Thana, District - Bhojpur, Ara, Roll No. 66160405, Pet On 28.09.2010, Category Bc 2.
 6. Madan Prasad, Shankar Prasad Resident Of Village Tikathi, Post-Tikathi, P.S.- Shahpur, District - Bhojpur, Ara, Roll No. 67050214, Pet On 30.09.2020, Category Sc
 7. Upendra Ram Son Of Sri Ganesh Ram Resident Of Village - Karisath, P.S. - Udawant Nagar, District - Bhojpur Ara, Roll No. 66070077, Category Sc, Pet On 30.09.2010
 8. Sanjay Kumar Son Of Sri Baban Prasad Resident Of Village Akhatiiyarpur, Post - Chandawa, P.S. - Udawantnagar, District - Bhojpur, Roll No. 6601831 Category Sc, Pet On 30.09.2010
 9. Khushboo Kumari Daughter Of Upendra Pandey Resident Of Village And Post- Taulalha, Via- Narkatiaganj, P.S.- Ram Nagar, District - West Champaran, Roll No. 73060451, Category General, Pet On 23.09.2010
 10. Prabhat Narayan Parit Son Of Duryodhan Parit At + Post - Taulaha, Via Narkatiaganj, District West Champaran, Roll No, 73220124, Category- Bc I, Pet On 07.10.2010
 11. Neelu Kumari Daughter Of Ramesh Mishra Resident Of Village Khabara, Thana Sadar, Muzaffarpur , Roll No. 76310198, Ccategory - General, Pet On 24.09.2010
 12. Santosh Kumar Pal Son Of Sri Ram Pyare Pal Resident Of Village Dumwaliya , Nawka Tola, Post - Bagha, District - West Champaran, Roll No. 74020297, Category Obc, Pet On 04.10.2010
 13. Bimla Kumari C/O Shital Prasad Singh Resident Of Village Balbhaderpur, Post + P.S. Darihat, District - Rohtas, Roll No. 68030116, Category Obc, Pet On 29.09.2010
 14. Saroj Kumar Son Of Ramadhar Baitha Resident Of Village Bijdhari, Post - Bijdhari, Via- Kesaria, District - East Champaran, Roll No. 73130108, Pet On 28.09.2010, Category Sc

.... Petitioners

Versus

1. The State Of Bihar , Through The Director General Of Police, State Of Bihar, Patna
2. The Principal Secretary, Department Of Home (Police), Government Of Bihar, Patna
3. The Principle Secretary, General Administrative Department (Personnel Administrative Reform Department), Government Of Bihar, Patna
4. The Central Selection Board Of Constable, Bihar, Patna, Through Its

Secretary

5. The Chairman Of Central Selection Board Of Constable , Bihar, Patna

.... Respondents

with

Civil Writ Jurisdiction Case No.7308 of 2015

1. Rajni Kumari Daughter of Kantu Shao, Resident of Mohalla China Kothi, Lodipur, Budh Marg, P.S.- Budha Coloney, P.O.- G.P.O.- Patna, District- Patna- Pin- 800001

2. Pawan Kumar, Son of Sri Janak Lal Singh, Resident of Village- Ibrahimpur, P.S.- Sakurabad, P.O.- Sakurabad, District- Jahanabad

3. Suchit Kumar, Son of Brij Bihari Singh, Resident of Village- Chougain, P.O.- Bhaluar Chougain, P.S.- Roushanganj, District- Gaya, Pin- 824217

4. Ramesh Kumar Rajak, son of Kishori Rajak, Resident of Mohalla- Ramshila Pahaswar More, P.O.- R.S. Gaya, P.S.- Delha, District- Gaya, Pin No.- 823002

.... Petitioners

Versus

1. The State of Bihar, through the Director General of Police, State of Bihar, Patna.

2. The Principal Secretary, Department of Home (Police), Government of Bihar, Patna

3. The Principal Secretary, General Administrative Department (Personnel Administrative Reform Department), Government of Bihar, Patna

4. The Central Selection Board Of Constable , Bihar, Patna through its Secretary.

5. The Chairman of Central Selection Board of Constable, Bihar, Patna

.... Respondents

with

Civil Writ Jurisdiction Case No.2636 of 2012

Sudha Sinha D/O Shambhu Shashi Bhushan Singh R/O Village- Balbhadrapur, P.O.- Darihat, P.S.- Darihat, Rohtas, District- Rohtas (Roll No. 68040163, Category Obc, Pet No. 23.09.2110)

.... Petitioner

Versus

1. The State Of Bihar Through The Director General Of Police State Of Bihar, Patna

2. The Principal Secretary Department Of home (Police), Government Of Bihar, Patna

3. The Principle Secretary General Administrative Department (Personnel Administrative Reform Department), Government Of Bihar, Patna

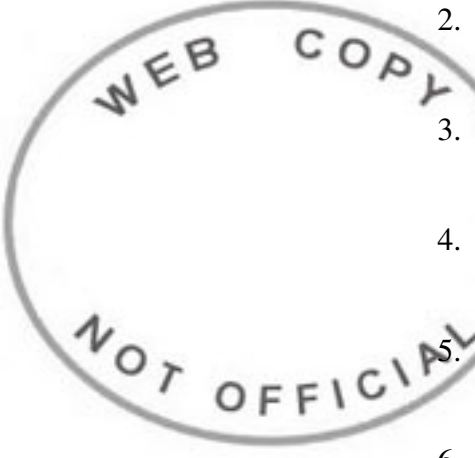
4. The Central Selection Board Of Constable, Bihar, Patna, Through Its Secretary

5. The Chairman Of Central Selection Board Of Constable, Bihar, Patna

.... Respondents

with

Civil Writ Jurisdiction Case No.1354 of 2015

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1. Kanti Kumari, wife of Kamal kishor Singh, resident of Mohalla Jagdeo Nagar, P.O. Anaith, P.S. Nawada, Ara District Bhojpur, Roll No. 66220538, Category OBC, in 775, in I.A. Mobile No. 9631961856
 2. Satya Bhama Kumari, daughter of Sri Ram Chandra Prasad, resident of village and P.S. Wazirganj, District Gaya, Category OBC, Roll No. 62013860
 3. Kanhaiya Singh, son of Surendra Singh, resident of village Gangwa, P.O. Sidhwaliya, Thana Sidhwalia, District Gopalganj (Bihar) Category General, Roll No. 77020150
 4. Md. Kaish Ansari, son of late Raja Hussain, resident of village Gangawa, P.S. + Post Sidhwaliya, District Gopalganj, Category General, Roll No. 77020351
 5. Pandav Kumar Mandal, son of Ganesh Mandal, resident of village meharpur, Post Chutia, P.S. Banka, District Banka, Category OBC Roll No. 45100230, Homeguard
 6. Pradip Kumar Ray, son of Bhola Ray, resident of village Basantpur P.O. + P.S. Pirpaiti, District Bhagalpur, Roll No. 87270182, Category OBC
 7. Rahul Yadav, son of Baijnath Yadav, resident of village Natwar Birbal, P.S. + Post Nandpur, Via Manjhi, District Saran Roll No. 75080135 OBC
 8. Suman Kumar, son of Deonath Prasad, resident of village Samhata, Post Kopa Samhata, P.S. Kopa, District Chapra, Roll No. 75010091
 9. Ratan Kumar Paswan, son of Bishwanath Paswan, resident of Chirauri, P.S. Chousa, District Madhepura, SC Roll No. 82010217
 10. Ram Lagan Paswan son of Sri Ram Bhajju Paswan, resident of village Chakway, P.O. Chakway, P.S. Warsaliganj, District Nawada, Roll No. 65050196, Category SC
 11. Rakesh Kumar, son of Chandra Bhushan Ram, resident of village Mirpur, P.O. Ankuri, P.S. Goh, District Aurangabad, Roll No. 64080128
 12. Chanchala Devi, wife of Dilip Kumar, resident of village + P.O. Hichhan Bigha, P.S. Daudnagar, District Aurangabad (in 775)
 13. Mamta Kumari, daughter of Satendra Prasad, resident of village + P.O. Hichhan Bigha, P.S. Daudnagar, District Aurangabad (in 775)
 14. Md. Moazzam, son of Abid Hussain, resident of village Gangaram Tola, P.S. Lalganj, District Vaishali, Roll No. 71110095, Category EBC-1
 15. Baitullah Ansari, son of Md. Eliyas Ansari, resident of village maheri Bigha, Post Ushri, P.S. Mahadiya, District Arawal, Roll No. 62020890, Category EBC
 16. Dhanamuni Kumari, wife of Upendra Singh, resident of village jayashri (Tola) P.O. Karakat, P.S. Karakat (Gorari), District Rohtas, Roll No. 9973795298, Category
 17. Md. Kyum son of Md. Sultan, resident of village + Post Siripur, P.S. Cheria Bariyarpur District Begusarai, Roll No. 95040659, Category EBC
 18. Rajeev Ranjan, son of Ashok Kumar Darbey, resident of village Maharajganj, Post Samukhiya, P.S. + District Banka, Roll No. 88090032, Category OBC
 19. Santu Kumar, son of Ratan Thakur, resident of village + Post Kochgaon, P.S. Warisaliganj, District Nalanda, Roll No. 65110451, Category OBC
 20. Sanjay Kumar, son of Chandra Bhushan Singh, resident of Shashtri Nagar, road No.4, Post + District Munger, Roll No. 90220028
 21. Raj Kishor yadav, son of Sri Ghanshyam Yadav, resident of Mohalla

Durgapur, near Hareram Mandir, P.S. Katihar, District Katihar, Roll No. 86040136, Category OBC Home Guard

22. Amitabh Yadav, son of Sri Rameshwar Yadav, resident of village Belwa Mokri, P.O. + P.S. Ram Nagar, District West Champaran, Category OBC Home Guard Roll No. 74100333

23. Shashi Bhushan, son of Baban Singh Yadav, resident of village + Post Bhatauli, P.S. Sandesh, District Bhojpur, Roll No. 66240232, Category

24. Amit Kumar, son of Sri Ramanand Paswan, resident of village Gajendra Bigha, P.O. Bhohilapar, P.S. Hilsa, district Nalanda Pin 61090560, Roll No. 61090560, Category SC

.... Petitioners

Versus

1. The State of Bihar, Through The Director General Of Police, State Of Bihar, Patna

2. The Principal Secretary Department Of home (Police), Government Of Bihar, Patna

3. The Principle Secretary General Administrative Department (Personnel Administrative Reform Department), Government Of Bihar, Patna

4. The Central Selection Board Of Constable, Bihar, Patna, Through Its Secretary

5. The Chairman Of Central Selection Board Of Constable, Bihar, Patna

.... Respondents

Appearance :

(In CWJC No.16384 of 2011)

For the Petitioner/s : Mr. Ranjeet Kumar, Adv.

For the Respondent/s : Mr. Sunil Kr. Mandal SC24

For C.S.B.C. : Mr. Sanjay Pandey, Adv.

(In CWJC No.10057 of 2012)

For the Petitioner/s : Mr. Ranjeet Kumar, Adv.

For the Respondent/s : Mr. Praveen Kumar, AC to GP22

For C.S.B.C. : Mr. Sanjay Pandey, Adv.

(In CWJC No.7308 of 2015)

For the Petitioner/s : Mr. Ranjeet Kumar, Adv.

For the Respondent/s : Mr. Sc15- Ajit Pratap Singh

For C.S.B.C. : Mr. Sanjay Pandey, Adv.

(In CWJC No.2636 of 2012)

For the Petitioner/s : Mr. Ranjeet Kumar, Adv.

For the Respondent/s : Mr. Chhotelal Mishra, AC to GA13

For C.S.B.C. : Mr. Sanjay Pandey, Adv.

(In CWJC No.1354 of 2015)

For the Petitioner/s : Mr. Ranjeet Kumar, Adv.

For the Respondent/s : Mr. S.A. Alam

For C.S.B.C. : Mr. Sanjay Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 21-07-2015

Heard learned counsel for the parties in all these writ

applications.

The main grievance of the petitioners is that the order of the learned Single Judge in exactly similar batch of cases dated 12.8.2014 in C.W.J.C.No. 15487/2011 (Kamlesh Dikshit Raj v. the State of Bihar & ors.) and its analogous cases has not been complied as yet though an appeal, L.P.A.No. 16/2015, (The Chairman, Central Selection Board v. Kamlesh Dikshit Raj & ors.) has also been disposed of on 1.7.2015.

This Court in the case of Kamlesh Dikshit Raj (supra) had made the following observations and given consequential directions:

“58. Whether the mistakes were bonafide or otherwise and whether they were committed by any individual or a group of them, are matters not for consideration by this Court, but there can be no escape from the conclusion that the Board has made a complete mess of the entire process of selection. Normally this would have led to quashing/ scraping of the entire process with a direction to the Board to proceed afresh from the stage of publication of result of written examination after re-distribution of vacancies to different categories strictly in terms of Act 3 of 1992. But this can lead to complete chaos and thousand of candidates, for no fault of theirs, would come back on road. This will be inequitable and should be avoided. But wrong caused to the petitioners, and may be many more others, should also be remedied. In circumstances, this



Court is of the view that the Board and the Home (Police) Department should be given one more chance to rectify their mistakes and take corrective measures, by taking into service all those candidates, who may have remained left out due to their fault, with special eye on the preferential claims of home guard candidates on the remaining vacancies of their quota. This exercise must be done meticulously at the highest level of the hierarchy to rule out any recurrence of mistakes and injustice.

59. As a result this matter is referred to the present Director General of Police, Govt. of Bihar. He shall get the entire exercise re-worked out, on the basis of final result of the written examination, under his direct supervision, by a team of competent officers of his office. He shall get the specific points of mistakes committed by the Board identified, with its extent and nature. He shall consider specific steps which may be required to be taken to rectify specific mistakes. He shall get the candidates identified who may have suffered due to these mistakes by the Board, in spite of being higher in the result sheet of written examination. He shall also get the home guard candidates identified who may have been left out of consideration, in spite of directions of the Department contained in the said letter no. 699 dated 4.8.2010. He shall direct the Board to hold a process of physical evaluation test for such left out candidates, for HG candidates first and then for N-HG candidates, and recommend their names to the Department for their appointment on available vacancies or next available



vacancy, as the case may be. He shall see that transparency is maintained in the matter, inasmuch as, any party seeking any information is supplied with full information on payment of requisite cost/fee, as may be necessary. He shall see to it that the entire exercise, as directed, is complete in all respects, within four months from the date of receipt/ production of a copy of this order. It is made clear, that in case this exercise is not complete within the time, as fixed, any aggrieved party shall be at liberty to move again for scraping of the entire process of selection and for any consequential relief.

60. It is again made clear that this Court does not claim the figures in the various tables herein and in the order, and calculations made on that basis as absolutely correct. Hence the entire exercise shall be done independently and without reference to any calculation and figures in this order and shall be done only in accordance with law. Besides, the Director General of Police shall be at liberty to move this Court for any clarification/ modification in the order, if he considers the same to be absolutely essential for compliance of the order or for completing the exercise. It is again made clear that the exercise, in terms of this order, should not be affected or guided by figures and calculation made in this order.”

It is also not in dispute that the aforesaid directions within the time limit of four months could not be complied on account of an interim order passed in L.P.A.No.16/2015. The Division Bench, however, by its order dated 1.7.2015 in L.P.A.No.16/2015



has not interfered with the directions issued by the learned Single Judge in the aforesaid judgment but at the same time it has clarified certain issue raised by the appellant namely the Chairman, Central Selection Board which would become more clear from the relevant concluding portion of the aforesaid order dated 1.7.2015 which reads as follows:

“The learned Single Judge pointed out certain errors said to have been committed by the Board in the selection process. That may not be treated as insinuation on the Board. However, if one takes into account the claims that have been put forward by various candidates, that too on the basis of the guidelines issued by the Court in the earlier round of litigation, what is left to be done is not in the realm of selection, *stricto sensu*, but only application of those guidelines. We would have certainly entertained the appeals, had the State, which is the ultimate appointing authority, felt aggrieved by the judgment. The only appellant before us is the Board. Its principal function can be said to have been discharged with the conducting of the examination and preparation of the select list. What appears to have weighed with the learned Single Judge is that a perfect process of verification of the candidates is required and for that purpose, the Department of Police is better suited. We do not find any serious defect in such a direction.”

We therefore dismiss these appeals by making it clear that none of the observations in the judgment shall

be treated as any negative reflection as to the functioning of the Board."

Mr. Sanjay Pandey, learned counsel appearing on behalf of the Board, has however submitted that there are many categories of petitioners in these cases and some of them may not be strictly covered by the aforesaid judgment given by the learned Single Judge as affirmed by the Division Bench. He points out that there are in the category of the petitioners in these cases as also other similar pending cases even such candidates who were never shortlisted much less selected earlier. He is thus of the view that whatever directions have been given in the judgment, therefore, can not be made blindly applicable for the petitioners of these cases and other similar pending cases.

This Court has no quarrel as with regard to applicability of the judgment of the learned Single Judge as affirmed by the Division Bench. The exercise, however, as directed by the learned Single Judge in his judgment dated 12.8.2014 has to be completed as it has now become final after the judgment of the Division Bench.

As has been noted above, the Director General of Police in the direction issued by learned single Judge was given the time frame of four months from the date of receipt/ production of a

copy of the order. That, however, got extended on account of earlier stay granted till disposal of L.P.A.No. 16/2015 which now only on 1st July, 2015 has been dismissed. This Court, therefore, would now call upon the Director General of Police to complete the direction given by this Court in the earlier judgment as referred above and while doing so the cases of the petitioners shall also be considered in the same manner in which direction was given by the learned Single Judge.

Before parting with, this much however is made clear that this Court has not gone into the merits of individual cases of any of the petitioners and thus the final has to be taken strictly them as was directed by the learned Single Judge in his judgment dated 12.8.2014 in the case of Kamlesh Dikshit Raj (supra).

With the aforementioned observations and directions, all these writ applications are disposed of.

(Mihir Kumar Jha, J)

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