

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.4746 of 2016**

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1. Anup Kumar Singh, son of Krishna Kant Singh resident of Village- Sonapur, Post Office- Sonapur, Police Station- Sonapur, District- Saran.
  2. Vinod Kumar, son of Shri Bhagwat Rai, resident of Village- Nazer Mira, Post Office- Pahleza, Police Station- Sonapur, District- Saran.
  3. Ravi Kumar, son of Shri Shyam Babu Choudhary, resident of Village- Salah, Post Office- Salah, Police Station- Desri, District- Vaishali.
  4. Satyendra Prasad, son of Shri Bishwanath Yadav, resident of Village- Rahar Diyara, Post Office- Sonapur, Police Station- Sonapur, District- Saran.
  5. Jitendra Kumar Ram, son of Shri Ram Nagina Ram, resident of Village- Pahleza Shahpur Diyara, Post Office- Sonapur, Police Station- Sonapur, District- Saran.
  6. Yadvendra Kumar, son of Shri Ram Nath Prasad, resident of Village- Rahar Diyara, Post Office- Sonapur, Police Station- Sonapur, District- Saran.
  7. Amit Kumar, son of Shri Bir Chandra Rai, resident of Village- Chandwara, Post Office- Karthan, Police Station- Karthan, District- Saran.
  8. Amod Kumar Singh, son of Shri Ravindra Mohan Singh, resident of Village- Sonapur Sidhnath Chowk, Post Office- Sonapur, Police Station- Sonapur, District- Saran.
  9. Manoj Kumar Ram, son of Shri Bhagwan Ram resident of Village- Pahleza Shahpur Diyara, Post Office- Sonapur, Police Station- Sonapur, District- Saran.
  10. Mukesh Kumar Singh, son of Shri Dinesh Prasad Singh resident of Village- Sonapur (Nakhas), Post Office- Sonapur, Police Station- Sonapur, District- Saran.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Government of Bihar, Patna.
2. The Bihar Staff Selection Commission, Post Office- Veterinary College, District- Patna- 800014.
3. The Secretary, Bihar Staff Selection Commission, Post Office- Veterinary College, District- Patna- 800014.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Syed Masleh-uddin Ashraf  
For the Respondent State: Mr. Binay Kumar, AC to SC4  
For the Staff Selection  
Commission : Mr. K. K. Upadhyay  
Mr. C B Das

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**ORAL JUDGMENT**

**Date: 12-07-2016**

Petitioners filed the writ application for a direction upon the



Staff Selection Commission to permit them to appear and participate in the examination being conducted for appointment on the post of Sub Inspector of Police in relation to the advertisement of 2004 on the basis of the directive of the Hon`ble Supreme Court. Since these petitioners have been prevented from participation in the said examination, writ application has been filed.

The Court directed the Staff Selection Commission to explain the reason for preventing the petitioners from participation. The affidavit filed on their behalf after due service upon the petitioners is that these petitioners have not responded to the advertisement publicly notified through various modes of communication and it is their non-filing of an application in response thereto that they cannot be permitted to participate in the exercise being carried out now.

Counsel for the petitioners has many a things to urge putting blame upon the Staff Selection Commission, one of them being that 2011 order of the Hon`ble Apex Court is sought to be now implemented in the year 2015. Laches are on the part of the Staff Selection Commission. These petitioners were the original applicants; therefore, they were naturally entitled to participation as a matter of right etc. etc.

This Court cannot answer these questions because those are

matters which may be brought to the notice of the Hon`ble Apex Court and the Apex Court can surely decide whether such argument can be entertained or not.

The core issue is that in response to the advertisement issued by the Staff Selection Commission with the object of implementing the directive of the Hon`ble Apex Court to fill up the 299 vacant posts of Sub Inspector, these petitioners did not apply. If they have not applied, they cannot be permitted to participate in the process at this hour.

Writ application has no merit. It is dismissed.

**(Ajay Kumar Tripathi, J)**

R.K.Pathak/-

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