

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22132 of 2014

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1. Nemnat Hussain Khan Son of Noor Mohammad Resident of Vill. - Ahilwara, P.S. - Biraul, District - Darbhanga.
 2. Kripa Shankar Ram Son of Srhi Mangru Ram Resident of Mohalla - Shyamchak, P.O. - Chapra, P.S. - Bhagawan Bazar, District - Saran.
 3. Suman Kumar Jha Son of Shri Phul Narayan Jha Resident of Vill - Abrur, P.O. Akbarpur Bank, P.S. - Biraul, District - Darbhanga.
 4. Sumit Kumar Son of Vidyanand Singh Resident of Village - Sri Rampur Sudhi, P.O. - Temtha, P.S. - Pa District - Khagaria.
 5. Roshan Kumar Son of Late Chalitar Sahu Resident of Vill Nainaghat, P.O. Mainghat, P.S. Sadar, District - Darbhanga.
 6. Raj Kumar Sahu Son of Late Chalitar Sahu Resident of Village Nainaghat, P.O. Nainaghat, P.S. Sadar Darbhanga, District - Darbhanga.
 7. Ajit Kumar Son o Shri Gonu Singh Resident of Vill. P.O. Milki Chak, P.S. Bahadurpur, District - Darbhanga.
 8. Kartik Narayan Bhangha Son of Shri Bhola Mahto Resident of Vill - Agrail, P.O. Champapur, P.S. Baligaon, District - Vaishali, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Old Secretariat, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Additional Director General of Police, Bihar, Military Police, Bihar, Patna.
4. Arvind Pandey, I.P.S. the then I.G., B.M.P. Chairman of the three men Enquiry Committee at present Addl. Director General, Weaker Section, Govt. of Bihar, Old Secretariat, Patna.
5. The Inspector General, Bihar Military Police, Bihar, Patna 4th Floor, Pant Bhawan, Bailey Road, Patna.
6. Mr. Pankaj Darad, I.P.S. the then D.I.G. B.M.P. Member of the three men Enquiry Committee through the Director General of Police, Old Secretariat, Patna.
7. Mr. Ajay Kumar, the then Commandant, Bihar Military Police - 13 Darbhanga and Member of the Enquiry Committee.
8. The Commandant, Bihar Military Police - 13, Darbhanga, Bihar.
9. The Deputy Superintendent of Police, Bihar Military Police - 13, Darbhanga, Bihar.
10. The Subedar, Bihar, Military Police - 13 Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Shukla

For the Respondent/s : Mr. GA11- PARTHA SARTHY

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 10-02-2016

This is a second round of litigation initiated by the petitioners after their initial selection in the BMP on the post of Bugler was set aside.

The direction was given in the previous writ which led to constitution of a committee for re-examination of the factual position whether all these candidates have any skill to demonstrate or perform on the post for which they have been selected. A three-member committee was constituted, headed by IG and the detailed report has been annexed with the supplementary counter affidavit as Annexure-D. This report supports the decision which is under challenge in Annexure-11 dated 7.2.2014.

Enough has been said and enough was pleaded to show that the selection was in order as well as the selection on the post does not suffer from any kind of vice. Unfortunately, for the petitioners even on the second opportunity granted to them before the committee on which even a video recording has been done, they have failed in proving their skill as a Bugler.

When selections are required to be made on a particular post, it is not for removal of unemployment of selected candidates but also to ensure that they are capable of performing the duty and responsibility for which selection has been made. Since it is not a case of selection on a general post but of persons having specific skill

which they have failed to demonstrate and which would be evident from the detailed reading of the report annexed as Annexure-D to the supplementary counter affidavit.

This Court cannot substitute its wisdom and over-ride the recommendation of the expert committee and high ranking officials to certify the previous report about these petitioners being incapable of playing the bugle for which they were initially selected.

The time has come when curtain has to be drawn on the dispute.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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