

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11905 of 2015

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1. Raghewendra Kumar Son of Binod Bihari Sharma, R/o Village + Post - Bohiya, P.S. - Allipur, District - Gaya.
 2. Kamlesh Kumar Sinha, Son of Brajballav Sinha, R/o Village - Balwa, P.O. +P.S. - Fatuha, District - Patna.
 3. Ripusudan Kumar, Son of Jaykant Sharma, R/o Village + Post - Babhan Barui, P.S. - Hilsa, District - Nalanda.
 4. Braj Bhushan Pandey, Son of Ramsakal Pandey, R/o Village + Post - Patariya, District - Jehanabad.
 5. Sanjay Kumar, Son of Chandradeo Prasad, R/o Village - Deoghra P.O. - Dhangawan, District - Jehanabad.
 6. Sandip Kumar Srivastav, Son of Bhrigunath Sharan, C/o Manoranjan Verma, in front of Satyawati Complex Main Road, Kankarbag, District- Patna.
 7. Shailesh Kumar, Son of Ram Vijay Singh, R/o Viollage - Deriniwas, B.N. Jha, Rad, Gaya, District - Gaya.
 8. Shio Kumar Singh, Son of Hargun Singh, R/o Village + P.. + P.S. - Tiyaar, District - Bhojpur.
 9. Manoj Kumar, Son of Vinay Mishra, R/o Ladugama, P.s. - Benipatti, District - Madhubani.
 10. Ajit Kumar Singh, Son of Shiv Shankar Singh, R/o Vill. - Narayanpur, P.S. - Sandesh, District - Bhojpur at Ara.
 11. Arun Kumar, Son of Ramshray Prasad, R/o Village- Latta, P.S. - Pauthu, District - Aurangabad.
 12. Ritesh Kumar Saxena, Son of Krishna Murari Saxena, R/o Village - Birsa Advisai Colony, P.S. - Alamganj, District - Patna.
 13. Navneet Kumar, Son of Sheo Chandra Prasad Jaiswal, R/o Village - Maner, P.S. - Maner, District - Patna.
 14. Praveen Kumar Thakur, Son of Ramjee Thakur, R/o Village - Naya bazar, P.s. - Saharsa, District - Saharsa.
 15. Dharmendra Kumar, Son of Bhagwan Sharma, R/o Village - Sahorachak, P.S. - Makhdumpur, District - Jehanabad.
 16. Navin Kumar Paswan, Son of Briksh Prasad Paswan R/o Village - Bardaha, P.S. - Khudaganj, District - Nalanda.

.... Petitioner/s

Versus

1. The Bihar Staff Selection Commission through its Secretary, Veterinary College, Patna - 800014.
2. The Chairman, Bihar Staff Selection Commission, Veterinary College, Patna - 800014.
3. The Secretary, Bihar Staff Selection Commission, Veterinary College, Patna - 800014.
4. The State of Bihar through Home Secretary, Government of Bihar, Patna.
5. The Principal Secretary, General Administration Department, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinu Kumar
Mr. Rajesh Kumar Singh

Mr. Arbind Kumar Sharma
 For the Respondent State: Mr. SC16- ABBAS HAIDAR
 For the Bihar Staff
 Selection Commission : Mr. Kamala Kant Upadhyay

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 22-04-2016

There are 16 petitioners before the High Court. They want a direction upon the Staff Selection Commission to permit them to participate in the process of selection for the post of Sub Inspectors under the State of Bihar. The basis for making such a prayer is the order passed by the Hon`ble Apex Court and which has been brought on record as Annexure-4.

2. Since the order/direction of the Apex Court is the basis for the prayer made in the writ application, the Court would like to reproduce what the Apex Court had to say on 28th November, 2011.

“We have heard learned counsel for the parties. Applications seeking permission to file application for directions are allowed. By the aforesaid order dated 2nd February, 2011, we had permitted only 223 candidates to appear in the examination. But now, after perusing the applications and hearing the counsel for the parties, we deem it appropriate to permit all these applicants who are similarly situated and also all those candidates who are eligible, to appear in the examination for 299 posts of Sub Inspector of Police. Uniform standard would be made applicable to all the candidates and all the candidates appearing for the above post will have to undergo similar physical and the written examination. With these observations and directions, all the applications are disposed of.”

3. It is the contention and submission of the counsel for the petitioners that since they are applicants against Advertisement



No.704/2004 in which the Apex Court has extended the zone of consideration for people like the petitioners, therefore, the decision of the Staff Selection Commission rejecting their claim or entertaining any application as reflected from Annexure-8 dated 14.7.2015 needs to be quashed.

4. There is long history behind the present litigation. The Court is not required to take note of all the details but earlier when the matter travelled to the Hon`ble Apex Court, the Hon`ble Court passed an order that only those persons who were appellants or applicants before the High Court and whose cases were pending or adjudicated, numbering 223, would be given opportunity to appear in the physical and written examination. However, many other persons moved the Apex Court against the said order as it came in the way of other bona fide candidates.

5. It was in this background that the order quoted above dated 28th November, 2011 came to be passed.

6. The stand of the Staff Selection Commission is that there is an effort made by the petitioners to paint the picture that they were candidates who had applied against Advertisement No. 704/2004, which makes them eligible for participation in the new advertisement and the process of selection. The fact is otherwise. From the list of these petitioners before this Court, petitioners have themselves

accepted that their candidature was rejected on the ground that they had applied in more than two regions for selection, which was a disqualification. One of the candidates did not even qualify the physical examination; therefore, he did not become eligible to participate in the written examination. It is an effort made by such petitioners by misinterpreting or misreading of the order of the Hon`ble Apex Court to get yet another opportunity for consideration for selection on the post of Sub Inspector of Police.

7. With due regard to the petitioners, the Hon`ble Apex Court’s order cannot be misread to include people who are, otherwise, not eligible to participate. Reasons assigned by the Staff Selection Commission in Annexure-8 are legal and valid and are in consonance with the decision of the Hon`ble Apex Court. None of the petitioners, therefore, have made a case for any indulgence.

8. Writ application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

AFR/NAFR	AFR
CAV DATE	
Uploading Date	25/04/2016
Transmission Date	