

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17845 of 2016

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Pramod Kumar aged 26 years, S/O Mohan Prasad R/O Village & Post- Panwari,
P.S.- Sikrahata, District- Bhojpur.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary Home Department, Government of Bihar, Patna.
2. The Director General of Police-cum- I.G. of Police, Bihar, Patna.
3. The D.I.G of Police, Munger, Range, Munger.
4. The S.P of Khagaria.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 17962 of 2016

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Abhinish Kumar Chaudhary, aged about 23 years S/o Late Ramjee Chaudhary R/o
Village & Post- Ashrafpur, P.S.- Nagarnausa, Dist- Nalanda.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Home Department, Government of Bihar, Patna.
2. The Director General of Police-cum-I.G. of Police, Bihar, Patna.
3. The D.I.G. of Police, Munger, Range, Munger.
4. The S.P. of Khagaria.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 18141 of 2016

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Manish Kumar aged about 27 years, S/O Brajnandan Prasad, R/O Village-
Chanduara, P.O.- Punha, P.S.- Rahui, District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary Home Department, Government of Bihar, Patna.
2. The Director General of Police-cum- I.G. of Police, Bihar, Patna.
3. The D.I.G. of Police, Munger, Range, Munger.
4. The S.P. of Khagaria.

.... Respondents

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Appearance :

(In CWJC No.17845 of 2016)

For the Petitioner/s : Mr. Ranjit Jha, Adv.

For the Respondent/s : Mr. Anil Kumar, AC to SC-8

(In CWJC No.17962 of 2016)

For the Petitioner/s : Mr. Ranjit Jha, Adv.

For the Respondent/s : Mr. Anil Kumar, AC to SC-8



(In CWJC No.18141 of 2016)

For the Petitioner/s : Mr. Ranjit Jha, Adv.

For the Respondent/s : Mr. Ujjawal Kumar Sinha, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 14-11-2017

Heard Mr. Ranjit Jha, learned counsel for the petitioners in the three writ petitions, while Mr. Anil Kumar, AC to SC-8, appears for the State in C.W.J.C.No. 17845/2016 and C.W.J.C.No. 17962/2016, Mr. Ujjawal Kumar Sinha, AC to AAG-3, appears for the State in C.W.J.C.No. 18141/2016.

Since the grievance of the petitioners is identical in each of the three writ petitions that the writ petitions have been heard analogous and with the consent of the parties they are being disposed of at the stage of admission itself.

In each of the three cases the petitioners have been selected for appointment against the post of Constable following a selection process initiated by the Central Selection Board in the light of Advertisement No. 1 of 2014 and the recommendation in the case of the petitioners can be found at Annexure 3 of the respective writ petitions. There is no dispute on the fact of selection of three petitioners and their recommendation by the Central Selection Board. It is the grievance of the petitioners that despite their selection neither follow up action is taken by the S.P., Khagaria nor their joining is being accepted.



It is the argument of Mr. Jha, learned counsel for the petitioners, that a bogey has been raised by the respondents as regarding identity of these petitioners to deny them the appointment even in absence of any supporting materials. He admits that on the basis of this bogey an F.I.R. has been instituted giving rise to Khagaria P.S.Case No. 525/2015 but he submits that the police case instituted is without foundation. He submits that the petitioners have obtained bail and even though the allegations are yet to be taken to its conclusion and even in absence of cancellation of their candidature yet appointment is being denied to the petitioners.

The facts taken note of are not in dispute, rather the arguments of the learned counsel for the State is that there is a cloud as regarding identity of these petitioners as to whether it is these petitioners who had appeared in the competitive test. It is submitted that a police case has been instituted against the petitioners on this count. Learned counsel for the State, however, fairly admits that recommendation in favour of the petitioners yet subsists.

Having heard learned counsel for the parties and considering that the allegations whatsoever made against the petitioners is yet to be taken to its conclusion; that the police case is yet to be adjudicated on merits by the competent criminal court, coupled with the fact that the recommendation of the Central



Selection Board yet continues to be in favour of the petitioners, let the grievance of the petitioners for issuance of the appointment order/ acceptance of joining, be considered by the Superintendent of Police, Khagaria who shall consider and dispose of the same by a speaking order within a period of six weeks from the date of receipt/ production of a copy of this order after giving opportunity of hearing to each of the petitioners.

The writ petition is allowed.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.11.2017
Transmission Date	NA

