

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14139 of 2008

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1. Rohit Kumar, Son of Garib Pd. Mehta, R/o Village-Dannagar, Khagaria, P.O.- Khagaria, Distt.- Khagaria.
 2. Suraj Kumar, S/O- Mithilesh Kuwar, R/O Village- Badatola, Basantpur, P.O.- Rupdih, Distt- Motihari, East Champaran.

.... Petitioners

Versus

1. The State of Bihar.
2. The Inspector General of Police, North Zone, Bihar, Patna.
3. The Dy. Inspector General Police (Head Office), Bihar, Patna
4. The Commandant B.M.P.-13, Darbhanga cum President Selection Commission, North Zone, Board No.1.
5. Sridhar Mandal, Dy. S.P. cum Member Board-01 Camp B.M.P.-13.
6. Amarnath Paswan son of Ram Bilash Paswan R/O- Dachparar, Post-Milkichak, P.S.- Bahadurpur, Dharbhanga.

.... Respondents

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Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. (Gp18)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 09-02-2017 None appears on behalf of the petitioners, however learned counsel for the respondents is present.

The present writ application has been preferred by the petitioners for quashing Memo No. 472 dated 04.11.2006, as contained in Annexure-7, whereby the petitioners' candidature for being appointed in Bihar Military Police-13 has been cancelled and further prayer has been made to consider the representation filed by the petitioners in pursuance to the order dated 03.03.2008 passed in C.W.J.C Nos. 14747 of 2007 and 15280 of 2007.

It is submitted by learned counsel for the respondent-State that the petitioners earlier filed C.W.J.C Nos.



14747 of 2007 and 15280 of 2007 for the same relief of quashing the Memo No. 472 dated 04.11.2006. The writ applications were dismissed by this Court vide order dated 03.03.2008 with liberty to the authorities to consider the claim of the petitioners in their wisdom. The relevant portion of the same reads as follows:-

“The petitioners were at the thresh hold of their entry into service in a Uniformed Disciplined Force. The controversy of their conduct which has cropped up at the stage of their initial entry into service itself of which they were the direct beneficiaries coupled with the video film prepared by the authorities on the basis of which the Selection Committee has founded its opinion, there is no occasion for the Court to interfere on facts with the impugned order dated 14.11.2006. Given the nature of the allegations supported by the video film this Court in its discretionary jurisdiction is not persuaded to consider even the latter submission of the petitioners that even if they had secured 13 marks each they were still entitled for consideration for appointment on higher marks obtained amongst the candidates in the respective categories. To that extent the writ applications are dismissed.

However since the petitioners are stated to have filed representations, the dismissal of the writ petitions shall not inhibit the authorities from consideration of the same in their wisdom.”



Consequently, Chairman of the Selection Board, in pursuance to the order passed in C.W.J.C Nos. 14747 of 2007 and 15280 of 2007, considered the representation of the petitioners and rejected the claim vide order dated 02.08.2008, which has been brought on record as Annexure-A to the counter affidavit, filed on behalf of respondent no.4.

In view of the fact that the claim of the petitioners has been earlier rejected by this Court and subsequent to order of this Court, Selection Committee has again rejected the representation of the petitioners this Court finds no merit in the present writ application.

Accordingly, the present writ application is dismissed.

(Dinesh Kumar Singh, J)

Amrendra/-

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