IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.647 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 22132 of 2014

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Nemnat Hussain Khan, Son of Noor Mohammad, resident of Village- Ahilwara, P.S.- Biraul, District- Darbhanga.

.... Appellant/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.
11. Kripa Shankar Ram Son of Shri Mangru Ram Resident of Mohalla - Shyamchak, P.O. - Chapra, P.S. - Bhagawan Bazar, District - Saran.
12. Suman Kumar Jha Son of Shri Phul Narayan Jha Resident of Vill - Abrur, P.O. Akbarpur Bank, P.S. - Biraul, District - Darbhanga.
13. Sumit Kumar Son of Vidyanand Singh Resident of Village - Sri Rampur Sudhi, P.O. - Temtha, P.S. – Parwatta, District - Khagaria.
14. Roshan Kumar Son of Late Chalitar Sahu Resident of Vill Nainaghat, P.O. Mainghat, P.S. Sadar, District - Darbhanga.
15. Raj Kumar Sahu Son of Late Chalitar Sahu Resident of Village Nainaghat, P.O. Nainaghat, P.S. Sadar Darbhanga, District - Darbhanga.
16. Ajit Kumar Son of Shri Gonu Singh Resident of Vill. P.O. Milki Chak, P.S. Bahadurpur, District - Darbhanga.
17. Kartik Narayan Bhangha Son of Shri Bhola Mahto Resident of Vill - Agrail, P.O. Champapur, P.S. Baligaon, District - Vaishali, Bihar.

.... Respondent/s

with

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Letters Patent Appeal No. 920 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 22132 of 2014

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1.Kirpa Shankar Ram Son of Shri Mangru Ram Resident of Mohalla - Shyamchak, P.O. Chapra, P.S. Bhagwan Bazar, District - Saran

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2. Suman Kumar Jha Son of Shri Phul Narayan Jha Resident of vill. - Abrur, P.O. Akbarpur Bank, P.S. Biraul, District - Darbhanga
3. Sumit Kumar Son of Vidyanand Singh Resident of village - Sri Rampur Sudhi, P.O. Temtha, P.S. P....., District - Khagaria
4. Roshan Kumar Son of Late Chalitar Sahu Resident of vill. - Nainaghat, P.O. Mainghat, P.S. Sadar, District - Darbhanga
5. Raj Kumar Sahu Son of Late Chalitar Sahu Resident of village - Nainaghat, P.O. Nainaghat, P.S. Sadar Darbhanga, District - Darbhanga
6. Ajit Kumar Son of Shri Gonu Singh Resident of vill. P.O. Milki Chak, P.S. Bahadurpur, District - Darbhanga
7. Kartik Narayan Bhangha Son of Shri Bhola Mahto Resident of vill. - Agrail, P.O. Champapur, P.S. Baligaon, District - Vaishali, Bihar

.... Appellant/s

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1. The State of Bihar through Chief Secretary, Old Secretariat, Patna
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5. The Inspector General, Bihar Military Police, 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 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 Appellant/s : Mr. Tej Bahadur Singh, Sr. Advocate
Mr. R.K. Shukla, Advocate
For the State : Mr. Utsav Kumar, A.C. to G.A. 4

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 07-07-2017

As both these appeals have been filed under Clause 10 of the Letters Patent challenging the orders dated 10.02.2016 passed

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by the learned Writ Court in C.W.J.C. No. 22132 of 2014, they are being disposed of by this common order.

2. Appellants herein were the petitioners who had filed the writ petition challenging the appointment of Bugler in the Bihar Military Police. It was the case of the appellants that initially the selection process was conducted and they were empanelled. However, without any justification, the said panel was cancelled and again the selection process was held and the appellant's claim was rejected. Challenging the action in cancelling the earlier selection and undertaking the selection afresh, the writ petition in question was filed and the writ petition having been dismissed, these appeals.

3. Learned counsel appearing for the appellants argued that the panel prepared for consideration vide its communication Annexure-15 dated 02.02.2011 had sought for various guidelines and information and assistance from the State Government but without extending the same, the impugned action has been taken.

4. However, from the counter affidavit filed by the respondents and the other materials that have come on record, it is seen that with regard to appointment on the post of Bugler Sepoy in the department in question complaints were made and even a writ petition was filed before this Court wherein it was directed that the

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aggrieved persons may make a complaint with material to show illegality before the competent authority and with the said observation, the earlier writ petitions C.W.J.C. No. 2833 of 2011 and C.W.J.C. No. 3031 of 2011 were disposed of.

5. Records further indicate that based on these complaints, the Director General of Police ordered for an inquiry with regard to the selection held in which the present appellants were said to have been empanelled. A Three Member Inquiry Committee was constituted and from the report of the Inquiry Committee available as Annexure-C to the counter affidavit filed by the State Government, various illegalities in the selection was found and, therefore, a further selection was ordered and in the further selection the appellants were not found eligible for appointment.

6. The learned Writ Court has taken note of all these factors and it is found that the appellants, when granted the second opportunity and even when the proceedings of this selection was video recorded, failed to prove the skill as a Bugler and they were not appointed. Finding no case to interfere with the Inquiry Report submitted by high ranking police officials who are expert in the subject and further observing that the appellants did not qualify in the selection process subsequently held, the writ petition has been dismissed.

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7. In our considered view, no error has been committed by the Writ Court in doing so warranting reconsideration now in these appeals.

8. The Letters Patent Appeals are, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	11.07.2017
Transmission Date	

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