

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1699 of 2015
IN
Civil Writ Jurisdiction Case No. 616 of 2008**

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Shashi Bhushan Kumar Nigam, Son of Mahendra Singh, resident of village -
Kahuara, Post office - Kahuara, Police Station - Nardiganj, District - Nawada

.... Appellant/s

Versus

1. The State of Bihar through the Secretary, Home Department, Government of Bihar, Old Secretariat, Patna
2. D.G. Cum I.G. Police, Bihar, Old Secretariat, Patna
3. The Inspector General of Police (Administration), Bihar, Patna
4. D.I.G., Magadh Range, Gaya
5. Superintendent of Police, Nawada Cum Chairman, C.S.C., Gaya
6. The Superintendent of Police, Gaya Cum Member, C.S.C. Gaya
7. The D.S.P., Begusarai Cum Member C.S.C., Gaya
8. The D.S.P., Rajauli Cum Member C.S.C., Gaya
9. The D.S.P., Aurangabad Cum Member C.S.C., Gaya

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ram Suresh Rai, Sr. Advocate Mr. Arjun Prasad Singh, Advocate
For the Respondent/s	:	Mr. Anjani Kumar, AAG 4 Mr. Anil Kumar Jha, AC to AAG 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: 08-09-2017

Seeking exception to an order passed on 03.08.2015
in CWJC No. 616 of 2008 this appeal has been filed under Clause
10 of the Letters Patent in the matter of appointment of Home
Guards based on an advertisement issued in the 2004 being
Advertisement No.1 of 2004.

Even though the claim of the petitioner has been



rejected by the learned Writ Court by indicating that no further indulgence can be made. After hearing learned counsel for the parties and considering all the facts and circumstances of the case we find that the petitioner's candidature was rejected on account of the fact that one condition in the advertisement was that the candidate should have possessed or obtained training with regard to Home Guard from the State of Bihar. As the petitioner had obtained the said training from the State of Jharkhand his candidature was rejected. The question is as to whether the candidature of the petitioner could be rejected when he had obtained training when the State was undivided and Jharkhand was a part of State of Bihar. This legal question which may be available for consideration but on going through the entire records we find that an advertisement was issued in the year 2004 being Advertisement No.1 of 2004 and with regard to the advertisement in question various writ petitions were filed before this Court and they were decided on various dates and finally the entire issue before a Division Bench of this Court on 21.10.2014 in contempt case being MJC Nos. 871 of 2012, 412 of 2012 and 573 of 2012. On going through the detailed order passed by the Division Bench we find that after the entire selection process was conducted with regard to Advertisement No. 1 of 2004, on direction issued by this



Court, two more selections were held issuing fresh advertisements being Advertisement No. 1 of 2009 and 2 of 2009 and on the basis of various directions issued by this Court the entire selection process have been conducted which include orders passed by a Division Bench in LPA No. 831 of 2009.

That being so, when further developments had taken place in respect of selection in question and the entire selection process has been completed between 2004 and 2009, now after more than a period of 13 years of the selection initiated, we see no reason to interfere into the matter keeping the legal question open to be considered in an appropriate case.

In the facts and circumstances of the case, finding no reason to make any indulgence, we dispose of the appeal.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl.

AFR/NAFR	NAFR
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