

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.507 of 2018

IN

Miscellaneous Jurisdiction Case No. 1711 of 2016

- =====
1. The State of Bihar
 2. The Principal Secretary cum Commissioner, Health Department, Govt. of Bihar, Patna,
 3. The Director in Chief, Health Department, New Secretariat, Patna,
 4. The Deputy Director, Administration, Health Department, New Secretariat, Patna,
 5. The Deputy Director (T.B.), Health Services, Bihar, Patna

.... Opposite Parties - Appellants

Versus

1. The Chairman, Bihar Public Service Commission, Bailey Road, Patna
..... Opposite Party – Respondent 1st Set
2. Arbind Prasad Son of Late Kesho Mahto Resident of Village - Ghamadih, P.S. - Noorsarai, District - Nalanda.
3. Yadunandan Prasad Son of Late Kalicharan Mahto Resident of Village - Chauria, P.S. Harnaut, District Nalanda.
4. Umesh Chandra Patel Son of Late Ram Pukar Patel Resident of Village - Balwa Kuwari, P.S. - Hajipur, District - Vaishali.
5. Ashok Kumar Singh Son of Ram Janam Singh Resident of Village - Karjan, P.S. - Athamalgola, District - Patna.
6. Nirmal Kumar Singh Son of Late Bigan Singh Resident of Village - Labhuani, P.S. - Garhani, District - Bhojpur.
7. Bindu Kumar Pandey Son of Late Jayanand Pandey Resident of Village and P.S. - Hulasganj, District - Jehanabad.
8. Upendra Kumar Son of Sri Ram Pyare Singh Resident of Village - Miya Bigha, P.S. - Islampur, District - Nalanda.
9. Ram Janam Bhaskar Son of Late Ramashish Singh Resident of Village - Rampur Naw, P.O. And P.S. Hajipur, District - Vaishali.
10. Lalan Sharma Son of Late Ram Akbal Singh Resident of Village - Jamalpura, P.S. - Naubatpur, District - Patna.
11. Suresh Prasad Son of Late Jagarnath Prasad Resident of Village - Rampur Binda Lal, P.S. - Ekma, District - Saran.
12. Anjar Ahmad Son of Late Zakir Hussain Resident of Village - Khoira, P.O. - Goraur, P.S. - Chhabilapur, District - Nalanda.
13. Ashok Kumar Son of Ram Balak Singh Resident of Village - Kajhia, P.S. - Akbarpur, District - Nawada.
14. Nand Lal Prasad Singh Son of Banwari Singh Resident of Village - Misi, P.S. - Bakhtiyarpur, District - Patna.
15. Yogendra Singh Son of late Bishnu Singh resident of Village - Rahimapur P.S. Biddupur, District - Vaishali.
16. Ram Lal Singh Son of Late Bhadeshwar Prasad Singh Resident of Village - Harnatpur, P.S. - Sakund, District - Bhagalpur.
17. Arbind Prasad Son of Ram Baran Prasad Resident of Village - Gaurapur, P.S. - Parasbigha, District - Jahanabad.
18. Om Prakash Poddar Son of Late Shiv Kumar Poddar Resident of Village + P.O. + P.S. - Rosera, District - Samastipur.
19. Mahendra Prasad Son of Sri Bigan Prasad Resident of Village - Mahimapur,



- P.S. - Goraru, District - Gaya.
20. Rabindra Kumar Sinha Son of Late Ram Ratan Prasad Sinha Resident of Village - Matukbiga, P.S. - Goraru, District - Gaya.
21. Ashok Kumar Son of Late Munsu Singh Resident of Village - Itwan, P.S. - Guraru, District - Gaya.
22. Ashok Kumar Son of Ram Balak Singh Resident of Village - Kajhia, P.S. - Akbarpur, District - Nawada.
23. Sudist Kumar Singh Son of Late Yogendra Prasad Singh Resident of Village - Gomhar, P.S. - Aungari, District - Nalanda.
24. Shashidhar Kumar Pandey Son of Late Kanhai Pandey Resident of Village - Gomhar, P.S. - Aungari, District - Nalanda.
25. Haldhar Prasad Singh Son of Late Chintaman Prasad Singh Resident of Village - Goddi Vishanrampur, P.S. - Kajralli, District - Bhagalpur.
26. Shyamdeo Mandal Son of Late Chunchun Mandal Resident of Village - Gomhar, P.S. - Aungari, District - Nalanda.
27. Raj Kumar Paswan Son of Late Janardan Paswan Resident of Village - Bapunagar North Mandiri, P.S. - Budha Colony, District - Patna.
28. Devendra Prasad Saw Son of Sri Mita Saw Resident of Village - Dariapur, P.S. - Gaurichak, District - Patna.
29. Kumar Deepak Son of Late Yugal Kishore Resident of Village and P.O. - Harpur Rewari, P.S. - Aungarghat.
30. Sudhanshu Bhushan Son of Krishna Mohan Pyare Resident of Village - Jagdamba Printing Press, Dariapur, P.S. - Kadamkuan, District - Patna.
31. Sashi Kumar Son of Satya Narayan Singh Resident of Village - Kewara, P.S. - Punpun, District - Patna.
32. Arbind Kumar Purbey Son of Late Dayanand Purvey Resident of Village - Bithan, P.S. and District - Samastipur.
33. Ram Sagar Mahto Son of Late Bindi Mahto Resident of Village - Bishanpur, District - Samastipur.
34. Md. Kamal Yashuf Son of Md. Ainuddin Mallik Resident of Mohalla - Ansar Nagar, P.O. + P.S. + District - Nawada.
35. Sunil Sharma Son of Ram Dahin Singh Resident of Village - Tajpur, P.S. - Khijarsarai, District - Gaya.
36. Nawal Kishor Prasad Son of Late Chandeshwar Prasad Resident of Village + P.O. - Dharmpur, P.S. - Kako, District - Jehanabad.
37. Vijay Kumar Son of Sri Sachidanand Sinha Resident of Village - Mirnagar, P.S. - Sarmera, District - Nalanda.
38. Dinesh Prasad Pal Son of Krishna Nandan Prasad Resident of Village + P.O. - Muther, P.S. + District - Jehanabad.
39. Amod Chandra Dutta Son of Late Ambika Chandra Dutta Resident of Village - Bando, P.S. - Rahui, District - Nalanda.
40. Nilam Kumari Wife of Late Bandhu Kaudhal Kishore Resident of Village - Ghatkan, P.S. - Kako, District - Jehanabad.
41. Sanjay Kumar Son of Late Satyanarayan Singh Resident of Village - Kewara, P.S. - Punpun, District - Patna.
42. Jaydeo Kumar Son of Bhriku Nath Sharma Resident of Village - Bharthu, P.S. - Ghushi, District - Jehanabad.
43. Ashok Kumar Son of Gajadhar Prasad Resident of Village - Mandaua, P.S. and District - Shekhpura.
44. Surendra Kumar Son of Rash Bihari Prasad Resident of Village and P.O. - Basha, P.S. - Bajpatti, District - Sitamarhi.
45. Shatrusudan Kumar son of Rajeshwari Prasad Singh Resident of Mohalla -



- Kazipur Quarter No. 1, Opposite Quarter No. 18, P.S. Kadamkuan District Patna.
46. Vinod Prasad S/o Late Kali Mahto R/o Mirnagar P.S. Sarmara Distt Nalanda.
47. Braj Kishore Prasad S/o Hira Kishun Prasad R/o Baidarabad PS Arwal Distt Arwal.
48. Md Anwar Khurshid S/o late Md Khurshid Hussain R/o Barhdari PS Biharsharif Distt Nalanda.
49. Anil Kumar Sinha S/o late Ramu Mahto Resident of Village Thambha PS Saristabad Distt Patna.
50. Ratnesh Kumar Mishra Son of Laxmi Kant Mishra Resident of Village - Tiswara, P.S. - Harulo Chanpur, District - Samastipur.
51. Arun Kumar Singh Son of Ramdeo Singh Resident of Village - Sonepura, P.S. - Simari, District - Saharsa.
52. Rabindra Kumar Singh Son of Sukhdeo Prasad Resident of Village - Sonepura, P.S. - Simari, District - Saharsa.
53. Shankar Prasad Jaiswal Son of Satya Narayan Jaiswal Resident of Village - Chaudhary Chak, P.S. - Town Thana, District - Saharsa.
54. Lakesh Kumar Singh Son of Jai Narayan Singh Resident of Village - Allula, P.S. - Kalyanpur, District - East Champaran.
55. Bhubneshwar Prasad Sah Son of Late Keshwar Sah Resident of Village - Kaila Balna, P.S. - Chakia, District - East Champaran.
56. Wakil Prasad Son of Sri Sakaldeo Rai Resident of Village - Kaila Balna, P.S. - Chakia, District - East Champaran.
57. Kaushalendra Kumar Son of Sri Braj Kishore Prasad Resident of Village - Napura, P.O. - Asthawan, District - Nalanda.
58. Suresh Prasad Son of Sri Ram Deo Prasad Resident of Village + P.O. - Nowanwa Pulper, Via - Asthawan, District - Nalanda.
59. Rajesh Kumar Son of Shri Deo Narayan Prasad Resident of Village Abulashiana, Mathuatoli (Near Post Office), P.S. Kadamkuan, District - Patna.
60. Ramjee Singh Son of Shri Ram Balak Singh 'Balak' Resident of Village And Post Baikathpur, District - Patna.
61. Vijay Kumar Verma Son of Late Baldeo rasad Resident of Village - Ramdattpatti, P.S. - Supaul, District - Supaul.
62. Smt. Lakshmi Devi Wife of Shri Shethu Baitha Resident of Village - Gandhi Gram, P.O. - Maheshpur, P.S. - Angara, District - Ranchi.
63. Jitendra Prasad Singh Son of Late Shyam Narayan Sinha Resident of Village - Chaidaulchak, P.O. - Bidaul, Via - Masaudhi, District - Patna.
64. Haridhar Singh Son of Shri Kariman Singh Resident of Village - Depadeeh, P.O. - Dev, District - Aurangabad.
65. Bhagwan Prasad Son of Shri Jairam Prasad Resident of Village + P.O. - Natharpur, Via - Mahua, District - Vaishali.
66. Shri Awadhesh Singh Son of Sri Ramavatar Singh Resident of Village + P.O. - Natharpur, Via - Mahua, District - Vaishali.
67. Abhay Kumar Son of Shri Birendra Kumar Singh Resident of Village - Leag Gololi, P.O. - Jarang Deodhi, District - Muzaffarpur.
68. Abbujar Ansari Son of Late Abdul Jabbar Ansari Resident of Village And P.O. - Keora, P.S. - Punpun, District - Patna.
69. Hemant Kumar Son of Sri Vishwanath Prasad Singh Resident of Village - Shettam Kurhan, P.O. - Manish Kumar, P.S. - Sarai, District - Vaishali.
70. Bhan Pratap Singh Son of Shri Nand Kumar Singh Resident of Village And P.O. Chaugal, P.S. - Murar, District - Buxar.
71. Vijay Kumar Singh Son of late Dhanushdhari Singh Resident of Village - Sevedehi, Post - Gandihara, P.S. - Masaudhi, District - Patna.



72. Kamta Prasad Son of Shri Ragho Prasad Resident of Village - Dariyapur, P.O. - Teranwa, P.S. - Manpur, District - Nalanda.
73. Nabvind Kumar Singh Son of Late Ram Lochan Singh Resident of Village - Mahuli, P.O. - Sulga, Via - Punpun, P.S. - Phulwarisharif, District - Patna.
74. Mohd. Ramjani Son of Mohd. Alauddin Resident of Village + P.O. - Keora, P.S. - Punpun, District - Patna.
75. Vijay Kumar Son of Din Dayal Singh Resident of Village - Nadma, P.O. - Masaudhi, District - Patna.
76. Ajay Kumar Singh Son of Shri Sant Narayan Singh Resident of Village - Moshiaipur, P.O. - Mathurapur, District - Gaya.
77. Subhash Prasad Son of Shri Ram Narayan Singh Resident of Village - Githahara, P.O. - Maker, District - Chapra.
78. Chandrabhushan Singh Son of Sri Ramshobhit Singh Resident of Village And P.O. - Lahua, Via - Halgaha, District - Samastipur.
79. Krishna Poddar Son of late Ramsharan Poddar Resident of Village - Kaithama, P.O. - Badalpura, District - Begusarai.
80. Bimal Kumar Pathak Son of Shri Bindhyavashani Prasad Pathak Resident of Village - Gaur Kothi, P.O. - Rampur Awasthi, District - Devria, Uttar Pradesh.
81. Laddu Ram Son of late Dashai Ram Resident of B.M. Das Road, Purandarpur, P.O. - Bankipur, District - Patna.
82. Ashok Kumar Srivastava Son of Baleshwar Prasad Resident of Station Road, Dehri-on-Sone, District - Rohtas.
83. Anil Kumar Srivastava Son of Baleshwar Prasad Resident of Station Road, Dehri-on-Sone, District - Rohtas.
84. Hari Ram Ojha Son of Sri Raj Ballah Ojha Resident of Village - Jaithar, P.S. - Masarakh, District - Saran at Chapra.
85. Shiv Dayal Choudhary Son of late Nand Lal Choudhary Resident of village - Kashinagar, P.S. - Sultanganj, District - Patna.
86. Nageshwar Choudhary Son of Late Tilak Choudhary Resident of Bahadurpur Gumati, P.S. - Sultanganj, District - Patna.
87. Ramanand Choudhary Son of late Rampati Choudhary Resident of Naya Tola, Saristabad, P.S. - Gardanibagh, District - Patna.
88. Ranjeet Kumar Choudhary Son of Late Chamru Choudhary Resident of Village - Kharara, P.S. - Shahpur, District - Patna.
89. Daya Shankar Gupta Son of late Ram Prasad Gupta Resident of Village - Painathi, P.S. - Jagdishpur, District - Patna.
90. Ram Janam Prasad Son of Sri Ramavtar Prasad Sinha Resident of Village - Sasandi, P.S. - Rahui, District - Nalanda.
91. Lal Babu Chaudhary Son of (Sic)
92. Madan Mohan Prasad Son of late Girija Nandan Prasad Resident of Village - Dariyabad, P.S. - Barun, District - Aurangabad.
93. Satyendra Prasad Singh Son of Late Dwarika Singh Resident of Village - Pothi, P.S. - Punpun, District - Patna.
94. Rajendra Prasad Singh Son of Late Kauleshwar Singh Resident of Mohalla - Untta, P.S. - Jehanabad, District - Jehanabad.
95. Satish Kumar Ambastha Son of Sri Gukul Prasad Resident of Village And P.O. - Giar, P.S. - Asthawan, District - Nalanda.
96. Umesh Kumar Son of Sri Surendra Prasad Singh Resident of Village and P.O. - Nirpur, P.S. - Athmalgola, District - Patna.
97. Jai Babu Singh Son of Late Sanyogum Singh Resident of Village - Keora (Dhanka), P.S. - Punpun, District - Patna.
98. Awanendra Kumar Son of Sri Swarika Singh Resident of Sarvadhi, P.S. -



Masaurhi, District - Patna.

99. Gopal Saran Singh Son of Sri Jagdeo Singh Resident of Village - Gangachak, P.S. - Masaurhi, District - Patna.

100. Rambali Singh Son of Shyam Sundar Singh Resident of Village - Saraina, P.O. - Maranchi, P.S. - Punpun, District - Patna.

101. Arbind Kumar Son of Late Dayanand Purbey Resident of Village And P.S. - Bithan, District - Samastipur.

102. Balram Prasad Son of Brij Nandan Prasad Resident of Mainpura (Bagicha), P.S. - Patliputra, District - Patna.

103. Mahendra Prasad Son of Sri Bigan Prasad Resident of Village - Mahimpur Hathura, P.S. - Guraru, District - Gaya.

104. Sunil Pandey Son of Sri Paswan Pandey Resident of Village - Dekuli, P.S. - Guraru, District - Patna.

105. Sumindar Choudhary Son of Late Deonandan Choudhary Resident of Village - Atapura, P.O. - Hazarat Sai, P.S. - Dhanarua, District - Patna.

106. Sunil Kumar Shastri Son of Sri Chandramani Sharma (Sic) Shastri Resident of Oyao, P.S.- Asthawan, District - Nalanda.

107. Arun Kumar Son of Sri Ram Saran Prasad Resident of Village Sohmapur Abdachak, P.S. Asthawan, District Nalanda.

108. Laxmi Kant Pandey Son of Sri Chandramai Sharma Resident of Oyao, P.S.- Asthawan, District - Nalanda.

109. Sujay Kumar Son of Sri Shyam Babu Resident of Mohalla - Karbigahia, P.S. - Jakkanpur, District - Patna.

110. Krishna Prasad Son of Late Damari Prasad Resident of Village - Dariyapur (Mathurapur), P.S. - Guraru, District - Gaya.

111. Ansar Ahmad Son of Abdul Zabbar Resident of Village - Chekari, P.S. And District - Gaya.

112. Md. Zakir Hussain Son of Md. Islam Resident of Village - Bankh, P.S. - Biyapur, Danapur Cantt., District - Patna.

113. Ram Nandan Choudhary Son of Hero Choudhary Resident of Village - Bhandari, P.S. - Rohi, District - Nalanda.

114. Mushan Lal Son of Sri Jawala Sahu Resident of Village - Rampur Bhandari, P.S. - Rohi, District - Nalanda.

115. Awadhesh Prasad Son of Sri Sitaram Saw Resident of Village - Babu Bazar, P.S. - Giriyak, District - Nalanda.

116. Purnendu Narayan Sharma Son of Sri Sita Saran Sharma Resident of Quarter No. 29/400, Rajbanshinagar, P.O. And P.S. - Shashtrinagar, District - Patna. At present resident of Mohalla - Alka Colony, Sandalpur Road, P.O. - Mahendru, Patna, P.S. - Pirbahore, District - Patna.

117. Md. Nehal Son of Md. Same Resident of Village - Banauliya, P.O. And P.S. - Biharsarif, District - Nalanda.

118. Md. Zuraid Son of Md. Ashnullah Resident of Village Grill Centre, Mohalla - Sandalpur Road, P.O. - Mahendru, P.S. - Pirbahore, District - Patna.

119. Ashok Kumar Son of Sheo Prasad Pandit Resident of Mohalla Ram Sahay Lane, P.O. - Mahendru, P.S. - Pirbahore, District - Patna.

120. Sudarshan Prasad Singh Son of Late Baleshwar Prasad Singh Resident of Village - Thanhaurma, P.S. Athmalgola, District - Patna.

121. Md. Sayeed Ahmad Son of Md. Suliman Resident of Ramana Road, P.S. - Pirbahore, District - Patna.

122. Madan Kumar Thakur Son of Late Ijtas Thakur Resident of Village - Akbarpur, P.S. - Rajpur, District - Buxar.

123. Salauddin Ansari Son of Late Chaituddin Ansari Resident of Village -



Mumrejpur, P.S. - Naubatpur, District - Patna.

.... Respondent/s

=====

Appearance:

For the Appellant/s : Mr. Prabhat Ranjan Singh, AC to AAG 15.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 11-04-2018

The State of Bihar and its authorities have preferred this intra-court appeal for setting aside the order dated 15.03.2018 passed by a learned single Judge of this Court in MJC No. 1711 of 2016.

2. The learned Single Judge while hearing the Contempt Petition has taken note of the submissions on behalf of the petitioners that they being the left over candidates being 321 recommended candidates by the Bihar Public Service Commission (in short 'BPSC') who have been contesting the matter since long, were required to be heard and finally considered in the light of the earlier order passed in CWJC No. 17717 of 2008, Civil Review No. 133 of 2003 and other analogous cases. The submission of the petitioners in the Contempt Application was that the order which was brought on record by way of Annexure-P does not indicate that any consideration has been given to the cases of these petitioners in the light of the remand order and in view of the clear guidelines given by the Hon'ble Apex Court in the



earlier S.L.P.

3. The learned Single Judge having taken note of the submissions formed an opinion that compliance of the order has not been done and, therefore, the Court has directed that the Principal Secretary-cum-Commissioner, Health Department, Govt. of Bihar, Patna shall come back with a fresh show cause / affidavit and file such affidavit after careful consideration of the case of the petitioners within a period of four weeks and pass a reasoned order in each of the individual cases. In case the compliance is not made within the given period, the Principal Secretary-cum-Commissioner, Health Department, Govt. of Bihar has been called upon to be personally present in Court to explain as to why contempt proceedings be not initiated against him.

4. Learned Additional Advocate General No. 15 representing the appellants in the present case submits that this is the case of the petitioners, who were illegally appointed by Dr. A.A. Mallick, the then Deputy Director, Health Services (T.B.), Bihar, Patna, all such appointments were cancelled by the department by a common order dated 30.04.1993 and against which a number of writ petitions were filed and ultimately the matter travelled up to the Supreme Court. The Hon'ble Apex Court decided the matter by order dated 16.12.1996 without interference with the order of dismissal and



found no fault in terminating the services of the petitioners and other illegally appointed persons. However, considering the human aspect of the matter the Apex Court directed to the State Government to give opportunity to them to appear in the future recruitment process.

5. It is a further submission that pursuant to the order of the Hon'ble Apex Court an advertisement was published for appointment on different Class III and IV posts including the post of BCG (Technician) and BCG (Team Leader) in the Health Department. As per the advertisement, minimum qualification for the post of BCG (Tech) was Matriculation with training from a government institute and for BCG (Team Leader) Inter Science with Training / Bangalore Training were prescribed because aforesaid posts were technical posts for which training from a recognized government institute was mandatorily required.

6. Referring to the judgment of the Hon'ble Apex Court learned counsel submits that there was a categorical direction for appointment in terms of the relevant rules and regulations, only age relaxation was to be provided as well as two additional marks for each year was to be given upto a maximum of six marks.

7. We have perused the judgment dated 16.12.1996 of the Hon'ble Supreme court in C.A. No. 10760-11058/95 and other analogous matters. It appears that upon hearing the parties the



Hon'ble Apex Court issued a number of directions. Direction No. 6 of the judgment reads as under:-

“It would be open to all the appellants or those appointed by Dr. Mallick who might not have challenged their termination orders before any competent court up till now, to apply for selection to the concerned Class III and Class IV posts. The committee would in their cases as first step, verify and satisfy itself of the credentials of such candidates whether they were appointed by Dr. Mallick and had worked at least for three years continuously. The committee would also satisfy itself that such candidate or candidates honestly and meritoriously discharged their duties as Class III and Class IV appointees, at least for the said period.”

8. The judgment dated 16.12.1996 was modified to a limited extent that vide order dated 03.11.1997 whereunder so far as Direction No. 4 in the judgment dated 16.12.1996 was concerned, the same was modified. While modifying the said direction, the Hon'ble Supreme Court said that instead of directing the State to constitute a committee consisting of three members, it is now directed that all the applications which are received by the State shall stand transferred for being processed further to the B.P.S.C. with a direction to examine them expeditiously and complete the selection process for Class III and IV posts. It was further directed that in case of any procedural



difficulty the parties will be at liberty to approach the High Court at Patna.

9. In the aforementioned background, it appears that a Writ Petition being CWJC No. 9256 of 1999 was filed before this Court as the petitioners, who had been selected and appointed pursuant to the direction of the Hon'ble Apex Court, were held ineligible because they were not trained. The Writ Court decided that the people who had not received training were ineligible to be considered for appointment and the Court then proceeded to cancel the appointments of such persons who had not received said training. The writ petitioners' case was that there were only two institutions for imparting such training, one at Darbhanga and the other at Patna, this was not accepted.

10. The writ petitioners preferred a Civil Review bearing no. 133 of 2003 before this Court for review of the order dated 22.05.2002 passed in CWJC No. 9256 of 1999. The learned Single Judge allowed the review application because it was found that the B.P.S.C. had recommended a panel of 321 people and the review petitioners, who were to be directly affected by any order to be passed in the Writ Petition in which their appointments were directly in issue were not made parties. The Writ Court had proceeded to set aside their appointments in their absence.



11. In the aforesaid background the contempt application has been preferred for initiation of contempt against the Opposite Party 1st set for disobeying the order dated 10.09.2014 passed in Civil Review No. 133 of 2003 whereby and whereunder the order dated 22.05.2002 passed in CWJC No. 9256 of 1999 was recalled. It is their grievance that despite the fact that the Writ Court's order has been recalled and the exercise done by the learned Writ Court at the instance of unsuccessful candidates has been undone, the petitioners approached the authorities concerned to appoint them on the post of B.C.G. (Technician) and B.C.G. (Team Leader) but their cases are not being considered. The petitioners have categorically stated that they had approached this Court for a similar relief which were granted to the appointed candidates and this Court vide I.A. no. 1939 of 2008 filed in Civil Review No. 133 of 2003 allowed the prayer of the petitioners.

12. At this stage, considering all these aspects of the matter the learned Single Judge having noticed that these petitioners are left over candidates of the 321 recommended candidates by the B.P.S.C. found that their cases are also liable to be considered.

13. In the facts and circumstances of the case, at this stage we do not find any illegality or infirmity in the order passed by the learned Single Judge in the contempt application. It is not in dispute



that the petitioners in contempt application are the left over candidates of the 321 recommended candidates by the B.P.S.C. but their cases have been rejected on the ground that they were not trained candidates or they are trained from any recognized institution which issue has now been settled by virtue of the order passed in Civil Review No. 133 of 2003.

14. The Letters Patent Appeal thus preferred at this stage is not fit to be entertained. The Appeal is accordingly dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.04.2018
Transmission Date	N/A

