

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9376 of 2014

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Chandra Prakash, Son of Shri Narendra Kumar Verma, resident of Mohalla-
Chandmari Ekawana, Police Station- Motihari, District- East Champaran

.... **Petitioner**

Versus

1. The State of Bihar
2. The Principal Secretary-cum-Commissioner, Department of Transport, Govt. of Bihar, Patna

.... **Respondents**

With

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Civil Writ Jurisdiction Case No. 16780 of 2016

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1. Satyendra Narayan Mishra, Son of Phulena Mishra, resident of Mohalla- Balua Tal, Police Station- Motihari Town, District- East Champaran.
2. Pankaj Kumar, son of Bipin Shankar Prasad Singh, resident of Village & PO- Durgapur, P.S. & District- Khagaria.

.... **Petitioners**

Versus

1. The State of Bihar.
2. The State Transport Commissioner, Department of Transport, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Transport, Govt. of Bihar, Patna.

.... **Respondents**

With

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Civil Writ Jurisdiction Case No. 18602 of 2016

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Arun Kumar Son of Late Ram Naresh Singh Resident of Bhushan Lane, East Lohanipur, Police Station - Kadamkuan, District – Patna

.... **Petitioner**

Versus

1. The State of Bihar through Principal Secretary, Transport Department, Govt. of Bihar, New Secretariat, Patna.
2. The State Transport Commissioner, Vishweswaraiya Bhawan, New Secretariat, Patna.
3. Bihar Staff Selection Commission, Patna, P.O. - Veterinary College, Patna - 14 through its Chairman.
4. The Secretary, Bihar Staff Selection Commission, P.O. - Veterinary College, Patna - 14. null null
5. The Chairman, Bihar Staff Selection Commission, Patna, P.O. Veterinary College, Patna - 14.
6. Members of Re-Scrutiny Committee, Bihar Staff Selection Commission, Patna under Chairmanship of the Secretary.



.... Respondents

Appearance :

(In CWJC No.9376 of 2014)

For the Petitioner : Mr. Abhinav Shrivastava, Advocate,
Mr. Hansraj, Advocate
Mr. Raushan, Advocate
For the State : Mr. Mahendra Pd.Verma, AC to SC 20
For the Commission : Mr. Ashok Kr.Dubey, Advocate

In CWJC No.16780 of 2016)

For the Petitioners : Mr. Hansraj, Advocate
For the Respondents : Mr. Raghvendra Kumar, SC 22
For the Commission : Mr. Ashok Kumar Dubey, Advocate

(In CWJC No.18602 of 2016)

For the Petitioner : Mr. Ansul
For the State : Mr. Arun Kr. Sinha, AC to GP 24

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 24-08-2018

Heard learned counsel for the petitioners and
learned counsel for the State.

2. For appointment of Motor Vehicle Inspector
Advertisement No. 2607 of 2007 was issued. Pursuant to the
selection process, 20 persons emerged successful.

3. The remaining candidates who could not
succeed or who were not considered on account of non
fulfillment of certain requirement had approached this Court in
various cases. The matters were finally disposed of by the
Division Bench in LPA No. 905 of 2010 and analogous cases.
As a result of disposal of the writ petition in the earlier round of
litigation a second merit list was issued on 20.4.2012 declaring
25 persons to be selected in the panel for appointment as Motor



Vehicle Inspector.

4. Thereafter respondents appointed seven persons from the list of 25 candidates recommended in the 2nd merit list dated 20.4.2012.

5. When others including the petitioners were not being appointed, they approached this Court by filing instant writ petitions.

6. Petitioner of C.W.J.C.No. 9376 of 2014, namely, Chandra Prakash is at Serial No. 18, whereas petitioners of C.W.J.C.No. 16780 of 2014, namely, Satyendra Narayn Mishra and Pankaj Kumar are at Serial No.19 and 20 respectively and petitioner of C.W.J.C.No. 18602 of 2016, namely, Arun Kumar is at Serial No.25 of the merit list dated 20.4.2012 (Annexure 5). This fact is also an admitted position as emerging from the records of the proceedings.

7. The petitioners have approached this Court submitting that even though their names have figured in the merit list, appointment was not being offered to them and that appointment has been offered only up to Serial No. 7.

8. In all the three writ petitions counter affidavits have been filed during pendency of the proceedings, wherein it has specifically been stated that the petitioners' case is to be



affected by the decision in SLP (C) No. 28599 of 2016, i.e., SLP filed on behalf of one of the desirous candidates. Since the subject matter is pending, final decision with respect to petitioners' candidature should only be taken after disposal of the said SLP in the case of candidate, namely, Moti Lal Sanatan. During pendency of the writ petitions, under communication dated 3.3.2016, issued by the Government, the petitioners, namely, Chandra Prakash, Satyendra Narayan Mishra and Pankaj Kumar had been called for counselling but thereafter in view of the stand taken by the respondents to the effect that the process of selection was likely to be affected by the pendency of case of Moti Lal Sanatan, no action has been taken. Today in the proceedings, it is brought to the notice of the Court that on 10.1.2018 case of Moti Lal Sanatan in SLP(Civil) No. 28599 of 2016 has been dismissed.

9. In view of the fact that the SLP No SLP(Civil) No. 28599 of 2016 is no more pending and has finally been disposed of, it is now for the respondent State to proceed in the matter as the only impediment in consideration of petitioners' candidature which was being expressed does not exist any more.

10. In view of the development subsequent to filing of the writ petitions taken note of hereinabove no further



orders need be passed. It is open for the respondents to take appropriate action pursuant to communication dated 03.03.2016 in light of the stand taken by them in the counter affidavits, since the SLP (Civil) No.28599 of 2016 has finally been dismissed.

11. All the three writ petitions are disposed of.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.8.2018
Transmission Date	NA

