

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13275 of 2008

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Mukesh Kumar, son of Ramdahin Singh, resident of Village-
Sohapur, P.O.-Malheya, P.S.-Tekari, District-Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Secretary-cum-Commissioner, Department of Home, Old Secretariat, Patna
3. The Director General of Police, Bihar, Patna
4. The Bihar Staff Selection Commission, Veterinary College, Patna through Secretary.
5. The Chairman, Bihar Staff Selection Commission, Veterinary College, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nageshwar Prasad Sinha, Adv
For the Commission	:	Mr. S.S. Sundaram, Adv
For the State	:	Mr. Vijay Kumar Verma, Ac to GA-2

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 29-11-2018

The petitioner, who had appeared in the physical and written test for the selection to the post of Sub-Inspector of Police in the year 2008 did not succeed. He has laid a grievance that his answers were not properly evaluated. He, thereafter preferred the present writ petition seeking a direction for quashing of the entire selection process of the appointment of Sub-Inspectors of Police in



the State of Bihar for which advertisement had been issued in the month of May in the year 2008.

2. This writ petition was taken up for consideration for the first time in the year 2015 when notices were issued to the State as well as Bihar Staff Selection Commission for informing this Court as to the developments which had taken place after the selection process was found to be faulty.

3. It appears that 1510 posts of Sub-Inspector of Police were to be filled up for which an advertisement was issued in the year 2004. Thereafter, physical and written tests were taken in the year 2008 and final result of 1510 successful candidates was published in the same year. Some of the unsuccessful persons preferred writ applications, the lead case being C.W.J.C. No. 9155 of 2008 (Jay Shankar Prasad Vs. The State of Bihar & Ors) where challenge was put up to the methodology adopted in evaluating the answer-sheets.

4. In all those writ petitions, this Court was of the view that certain errors had crept in the model answers



and therefore the same was directed to be re-verified by the experts of the subject. After the reevaluation of the model answers, a revised list of 1510 successful candidates was prepared which did not include approximately 160 candidates who were earlier declared successful. It was also found out by the Staff Selection Commission that some other persons numbering about more than 600 were required to be accommodated with the re-verification of the model answer and re-evaluation.

5. A decision was passed by this Court in C.W.J.C. No. 9155 of 2008 and other analogous cases (Jay Shankar Prasad & Ors versus The State of Bihar & Ors) reported in 2008(4) PLJR 825 that since the Staff Selection Commission had proposed to publish the list of 1510 candidates, there was no occasion for the Court to adjudicate the matter any further with regard to the methodology adopted by the Commission for fresh verification of the model answer and restructuring the question papers with defective answers. It was expected by the Court that the Commission would proceed expeditiously in the matter,



taking into account that the appointment process was derailed for about a decade. It was left open for the State to decide the issue with respect to the other candidates who would otherwise have passed in the examination.

6. The State Government took a decision to appoint 639 more candidates for the purposes of accommodating the 160 candidates who had in the first instance made it to the select list but after re-evaluation, their names were removed from the list of successful candidates. The revised result was thereafter issued on 02.02.2009. A spate of litigation ensued thereafter. In some of the writ petitions, it was urged that even after the re-evaluation and restructuring of the model answers, the errors were still discernible and therefore the list be revised or the answers be re-evaluated.

7. Since the matter was earlier adjudicated by this Court, the aforesaid writ petitions were dismissed vide order dated 10.02.2009 passed in C.W.J.C. No. 2023 of 2009 (Arvind Kumar & Ors Vs the State of Bihar & Ors.). The Court perhaps was of the view that the candidates who



had not been successful were making their last effort to derail the selection process and appointment of Sub-Inspectors.

8. The matter was again adjudicated in L.P.A. No. 305 of 2009, which too was dismissed.

9. Some of the petitioners preferred S.L.P. before the Supreme Court and the Supreme Court gave a direction to the Staff Selection Commission to hold fresh examination for 299 posts of Sub-Inspectors. Those who had approached the Supreme Court or whose writ petitions were pending before the High Court were given the opportunity to appear in the physical and written examination.

10. Pursuant to the aforesaid direction of the Supreme Court, a fresh advertisement was issued in the year 2011 inviting applications from 223 candidates. Be it noted that these 223 candidates were the ones who had approached the Supreme Court or whose writ petitions were pending before the High Court. The aforesaid 223 candidates were permitted to participate against the vacancy of 299 posts.



11. Some of the persons who were still left behind approached the Supreme Court whereafter the Supreme Court again directed those candidates to be permitted to appear in the selection for 299 posts of Sub-Inspector. A further advertisement therefore was issued for larger number of posts but again it was limited to 299 vacant posts only.

12. For all these years, the petitioner never approached this Court for his case to be clubbed with the other writ petitions which were heard.

13. As noted above, this writ petition was first taken up for admission only in the year 2015 when the entire process had been exhausted and the vacancies were filled up. Some of the persons who became successful are almost in the stage of their mid-career.

14. At this stage, it is not possible to accede to the request of the petitioner to re-evaluate the answer-sheet and pass necessary order for his induction in the service. Unfortunately, the claim of the petitioner has become so stale that no order can be passed. For the aforesaid reasons,



a Bench of this Court had noticed in the order dated 06.11.2018 that since the issue relates to the selection process of 2008, there was no reason why the petition should be kept pending. For the purposes of passing final order, the case was fixed for orders today.

15. Considering all the above facts, no order need be passed in the present writ petition.

16. The petition is, therefore dismissed.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
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