

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11364 of 2015

1. Savan Kumar, S/o- Mahendra Yadav, resident of- At + P.O. -Kopariya, P.S.- Salkhua, District- Saharsa.
2. Abhishek Kumar, S/o- Jagdeo Mishra, resident of- At- Babhangama, P.O.- Benigir, P.S.- Mufassil, District- Munger.
3. Paryavaran Bharti, S/o- Sri Lalo Yadav, resident of- Vill.- Karasi Tola Tauphir, P.S.- Mufassil, District- Munger.
4. Deepak Kumar, S/o- Ramashray Sharma, resident of-Vill.- Kokarsa, P.O.- Bhagwanpur, P.S.- Hulasganj, District- Jehanabad.
5. Dasrath Kumar, S/o- Ramkrit Choudhary, resident of - Vill.- Mananapur, P.O.- Berka, P.S.- Makhdumpur, District- Jehanabad.
6. Saroj Kumar, S/o- Lakhichandra Kumar, resident of- C/o- Pankaj Singh, Sindh Dresses, Koshi Road Saharsa, Near Kachahari Dhala, Saharsa.
7. Jayprakash Paswan, S/o- Vakeel Paswan, resident of- P.O.- Piyan, P.S.-Sonhan, District- Kaimur (Bhabhua).
8. Parmanad Paswan, S/o- Kamla Paswan, resident of-Vill.- Ahirawli, P.O.- Mukhravn via Manoharpur, P.S.- Manoharpur, District- Kaimur.
9. Dinesh Kumar Dubey, S/o- Daroga Dubey, resident of- Vill.- Uchinar, P.O.- Nauhatta, P.S.- Belwon, District- Kaimur.
10. Shailesh Ram, S/o- Raghunath Ram, resident of- Vill.- Satjora Bazar, P.O.- Satjora Bazar, P.S.- Panapur, District- Chhapra.
11. Umesh Ram, S/o- Chandrama Ram, resident of- Vill. + P.O.- Satjora Bazar, P.S.- Panapur, District- Chhapra.
12. Arvind Kumar, S/o- Sitaram Yadav, resident of- Vill.- Pakadbiga, P.O.- Bausibigha, P.S.- Ghosi, District- Jehanabad.
13. Ritesh Kumar Singh, S/o- Anil Kumar Singh, resident of- Vill.- Bankerwa Bhaw, P.O.- Bansanda, P.S.- Parsa, District- Saran.
14. Nitesh Kumar, S/o- Sudhir Prasad Yadav, resident of- At- Hasanganj, P.O.- Safiyabad, P.S.- Kasim Bazar, Munger.
15. Dhanraj Kumar, S/o- Ramakant Sharma, resident of- Vill.- Lalachak P.O.- Tejbiga, P.S.- Kako, District- Jehanabad.
16. Nitish Kumar, S/o- Arun Kumar, resident of- Mohalla- Patuana, P.O. + P.S.- BiharSharif, District- Nalanda.
17. Pintu Kumar, S/o- Yogendra Yadav, resident of -Vill.- Basobaghi, P.O.- Barh, P.S.- Barh (R.S.), District- Patna.
18. Dipu Kumar, S/o- Sidhnath Singh, resident of- Vill.- Sarwan Bhadsara, P.O.- Gorakhari, P.S.- Bikram, District- Patna.
19. Anand Kumar, S/o- Barahan Saw, resident of-Vill. + P.O.- Bhagwanpur, P.S.- Hulasnagar, District- Jehanabad.
20. Amarjeet Kumar, S/o- Kamaldio Sharma, resident of- At- Kharauwa, P.O.- Birbas, P.S.- Pasraha, District- Khagaria.
21. Sandeep Singh, S/o- Bharat Singh, resident of- Vill.- Belhar, P.O.- Mahuma, P.S.- Madanpur, District.- Aurangabad.
22. Chandramauli Raut, S/o- Suresh Raut, resident of -Vill.- Gangti, P.O.- Maur, P.S.- Barbiga, District- Sheikhpura.
23. Mukesh Kumar, S/o- Ram Charitra Paswan, resident of- Vill.- Makduane, P.O.- Singthoo, P.S.- Manpur, District- Nalanda.
24. Uday Kumar, S/o- Mahavir Saw, resident of- Vill. + P.O.- Puraini, P.S.- Griyak, District- Nalanda.



25. Rahul Kumar, S/o- Shyam Sunder Singh, resident of- At + P.O.- Berui, P.S.- Baniyapur, District- Saran.

26. Sintu Kumar, S/o- Ram Kisun Singh, resident of- Vill. + P.O.- Sahoar, P.S.- Surajgarha via- Kiul (R.S.), District Lakhisarai.

.... **Petitioners**

Versus

1. The State of Bihar through the Director General of Police, State of Bihar, Patna.
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna
3. The Central Selection Board (Constable Recruitment) through its Chairman, Sri Sai Tara Complex, IAS Colony Jawaharlal Nehru Marg, Patna.
4. The Chairman, Central Selection Board (Constable Recruitment), Sri Sai Tara Complex, IAS Colony Jawaharlal Nehru Marg, Patna. **Respondents**

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Appearance :

For the Petitioners	:	Mr. Rajeev Kumar Singh, Advocate Mr. Sitaram Prasad, Advocate Mr. Anjani Prasad, Advocate
For the State	:	Mr. G.P. OJHA, GP 23
For the Board	:	Mr. Binod Kumar Mishra, Advocate Mr. Vivek Anand Amrithesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 30-04-2018

Heard the learned counsel for the petitioners as also the learned counsel for the respondent Central Selection Board (Constable Recruitment) hereinafter referred to as the "Board". Also heard the Learned counsel for the respondent State.

2. The writ petition has been filed challenging the entire selection process pursuant to Advertisement Number 01/2014. Under the said advertisement selection process was initiated for appointment to 11783 posts of constables in the different police units of the state. The petitioners were applicants and had participated in the selection process. The authorities discovered that the petitioners had resorted to illegitimate and unfair means in the process of



selection. Accordingly, an FIR bearing Gardanibagh P.S. case no. 226 of 2015 came to be lodged against the petitioners on 22.06.2015 for the offences under sections 417, 419, 420 and section 34 of the Indian penal code. Thereafter result of the selection process was published on 23.06.2015. Obviously the petitioners were not declared selected.

3. Having been declared unsuccessful in the selection process, as noticed above the petitioners have filed the instant writ petition praying for quashing of the entire selection process arising out of Advertisement Number 01/2014. By filing I.A. No 898/2018, the petitioners have also sought quashing of Advertisement No.1 of 2017 whereby and where under fresh process for selection of constables was initiated. The only grounds stated for challenging the fresh selection process is that the posts in respect of which the instant writ petition has been filed have also been advertised. Thus no grounds have been made out for challenges to the initiation of the fresh selection process under Advertisement No.1 of 2017.

4. The learned counsel appearing for the Board has informed the court that earlier the same selection process on the same grounds was subject to challenge in the Public interest litigation in the case of **Moni and Ors versus the State of Bihar and others** reported in **2016 (2) PLJR 598**, wherein a division bench of this



Court had rejected the challenge.

5. The learned counsel appearing for the Board has also informed that in CWJC No. 9918 of 2015 and in LPA No. 92 of 2016 the same selection process had been challenged by other unsuccessful candidates similarly situated as the petitioners on more or less identical grounds. This Court having considered the fact that the petitioners had participated in the selection process, had not made specific allegations of *malafide* against anyone, had been eliminated from consideration in the process of selection since they had indulged in unfair means in the selection process and also the fact that the petitioners had participated in the entire process without raising any objection or grievance and having taken their chance, when they were declared unsuccessful could not be permitted to turn around and challenge the very same selection process in which they have participated, rejected challenge to the same selection process.

6. The instant petitioners case is squarely covered by the decision in CWJC number 9918 of 2015 as also that of LPA No. 92 of 2016. In the instant case also the petitioners have participated in the selection process without any objection or grievance and have taken their chance. It is only when they have been found using unfair means and FIR has been instituted against them and when they have been declared unsuccessful in the selection process, that they have



challenged the selection process by filing the instant writ petition, alleging all kinds of irregularity and illegality in the selection process. Neither any allegation of a specific *malafide* has been made against any member of the selection process, nor is it the case of the petitioners that anyone having lesser marks than the petitioners have been declared successful. In fact the instant petitioners have been weeded out in the process of selection for resorting to unfair means. For these reasons, this Court would observe that no grounds have been made out for challenging the selection pursuant to Advertisement No. 1 of 2014, impugned in the instant writ petition.

7. Also no grounds whatsoever worth consideration have been made out for challenging initiation of the fresh selection process pursuant to Advertisement No.1 of 2017 by filing I.A. No. 898 of 2018. Perusal of the same shows that challenge to initiation of the fresh selection process is based on nonest grounds.

8. The writ application, therefore, has no merit. The writ petition is accordingly dismissed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.05.2018
Transmission Date	NA

