

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18494 of 2017

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1. Shashi Shekhar Son of Sri Awadesh Pandey Resident of Village- Govindpur, P.O. +P.S. - Fatuha, District- Patna.
 2. Rupak Kumar Sinha Son of Srikant Prasad Sinha Resident of Road No. 02, House No. 10, Mohalla- Indrapuri, P.O. Keshari Nagar, P.S. Patliputra , District- Patna.
 3. Raghwendra Kumar Son of Binod Bihari Sharma Resident of Village +P.O. - Bohiya, P.S. Allipur, District- Gaya.
 4. Brajesh Chandra Jha Son of Jyotish Chandra Jha Resident of Ram Nagar Colony, P.O. +P.S. Mirjanha, District- Bhagalpur.
 5. Manoj kumar Son of Late Mundrika Singh Resident of Village- Shekhpura, P.O. Uttra Sherthu, P.S. Ghosi, District- Jehanabad.
 6. Prabhat Kumar Son of Sri Bali Shankar Prasad Resident of A/78, Jagat Amrawati Apartment, P.O.- G.P.O., P.S. Kotwali, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Home (Police) Department , Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Chairman, Bihar Police Subordinate Service Commission, Santosh Mansion, Raghunath Path, Danapur, Patna.
5. The Secretary, Bihar Police Subordinate Service Commission, Santosh Mansion, Raghunath Path, Danapur, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 7096 of 2018

1. Niranjana Kumar @ Niranjana Kumar Singh S/o Sri Ganesh Prasad Singh R/o Sardiha, P.S.- Simri Bakhtiarapur, Distt. Saharsa.
2. Ashutosh Kumar Chaudhary S/o Sri Baidyanath Chaudhary R/o- Baidyanathpur, P.S.- Rosera, Distt. Samastipur.
3. Rahul Kumar Rai S/o Sri Nand Kishore Rai R/o- Kararia, Distt. Gopalganj.
4. Ravi Ranjan Kumar S/o Sri Shashi Bhushan Prasad R/o- Raxa Rahimpur, P.S. Dhaka, Distt. East Champaran.
5. Ravi Bhushan Verma S/o late Parasnath Verma R/o Bhawanipur, Zirat, P.S. Chatauni, Distt.- Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Department of Home, Bihar, Patna.
2. The Secretary, Department of Home, Bihar, Patna.
3. Directorate General of Police, Bihar at Patna.



4. Secretary, Bihar Police Subordinate Service, Commission, Santosh Maidan, B.Block, Near RPS Law College, Raghunath Path, Danapur, Patna.
5. Secretary, Department of Personal and Administrative Reform, Bihar, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 18494 of 2017)

For the Petitioner/s : Mr. Gaurav Govind, Adv.

For the BPSSC : Mr. P.N. Sahi, Sr. Adv.

Mr. Sanjay Pandey, Adv.

For the State : Mr. Apurva Kumar

(In Civil Writ Jurisdiction Case No. 7096 of 2018)

For the Petitioner/s : Mr. Amresh Kumar Sinha, Adv.

For the BPSSC : Mr. Kunal Tiwary, Adv.

For the State : Mr. Ravi Verma

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date : 23-08-2018

Heard learned counsel for the petitioners and counsel for the State as also counsel for the Commission in both the cases.

The fact of both the cases are identical. Hence, for convenience, the fact of C.W.J.C. No. 18494 of 2017 is being considered for disposal of these cases.

In the present case, the petitioners are claiming that the cut-off date prescribed in the advertisement no. 01/17 should be modified in favour of the petitioners thereby granting relaxation of age for participation in the selection of Police Sub-Inspector.

Altogether six persons in the present writ application have approached this Court, they have given their respective date of birth and basically submitted that the Bihar Police Subordinate Service Commission is to conduct the selection test on yearly basis but, examinations are conducted after lapse of years, the last



selection, on the post of Sub-Inspector, was made in the year 2014 and, thereafter, the present advertisement has been published after three years and, by that time, the petitioners have crossed the age of upper limit.

Learned counsel for the petitioners have placed reliance on the letter no. 212 dated 23.1.2006 stipulating recruitment has to be made on year to year basis. In case, the recruitment is not done for years together, in such circumstances, the candidates should not be declared ineligible but, should be given chance to appear in the examination.

Learned counsel for the Commission has submitted that the aforesaid letter is not applicable to the petitioners on two counts, firstly, the circular has been issued on 23.1.2006 and, secondly, it is not meant for the police service, which is completely a fallacy, which reflects belligerence and attitude of defiance of the Commission, has drawn authority of recruitment from the State Government, the circular has been issued by General Administrative Department, cannot be said the same is not applicable to them. Hence, the circular is applicable with respect to selection of all categories including the service in the police. Hence, the circular is guideline fixing the cut-off date in the event the examination is not conducted in time. While fixing the cut-off



date, they will have to take into consideration the guideline mentioned in the letter dated 23.1.2006.

In the present case, the relief cannot be granted to the petitioners on the ground that written test has already been conducted and only the physical test has been left. In such circumstances, this Court cannot turn turtle every steps taken by the Commission and declaring all the process nullity, the reason is that if the cut-off date is to be changed, the entire process of selection will be declared to be bad in law which cannot be done in the present case as fixing the cut-off date lies within the domain of executive. Accordingly, the cut-off date has been fixed and the recruitment process has been done and that too if six persons is allowed to participate then, in that circumstances, there will be many persons of that category will be deprived to participate in the recruitment process. So, in view of the aforesaid situation, the selection process cannot be declared to be nullity or turn turtle as it is moving towards the finality.

As only the physical test has to be conducted, whoever would succeed in the physical test, the appointment, according to merit, will be made and, at the same time, it has been informed by the Commission that the entire recruitment process is being monitored by the Hon'ble Apex Court and the recruitment should



be completed by October, 2018. In that view of the matter, it is very difficult for this Court to interfere in the recruitment process which is going on. However, if any subsequent advertisement is published, the petitioners will be at liberty to approach the authority concerned for grant of relaxation of age with respect to participation in the selection on the post of Police Sub-Inspector.

With the aforementioned observations and liberty, both the writ applications are disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.09.2018
Transmission Date	NA

