

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.143 of 2019

In
Civil Writ Jurisdiction Case No.15487 of 2011

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Rajesh Kumar Choudhary Son of Laxman Chaudhary Resident of Village-
Enai, P.S.- Revelganj, District- Saran (Chapra).

... .. Petitioner/s

Versus

1. The State Of Bihar Through K. S. Dwivedi, The Director General Of Police,
State Of Bihar,
2. Sri Amir Subhani, The Principal Secretary, Department of Home (Police),
Government of Bihar, Patna.
3. Sri Amir Subhani, The Principal Secretary, General Administrative
Department (Personnel Administrative Reform Department, Government of
Bihar, Patna.
4. The Central Selection Board of Constable, Bihar, Patna through its
Secretary, Sri Kamlesh Kumar Singh.
5. Sri Jitendra Kumar, The Chairman of Central Selection Board of Constable,
Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Ranjeet Kumar, Advocate
For the Opposite Party/s :	Mr.Prabhu Narayan Sharma, AC to AG
For the CSBC	Mr. Sanjay Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 17-07-2019 We have heard learned counsel for the applicant and

we have perused the order dated 19th July, 2012 which is

extracted herein under:

“No one appears on behalf of the
petitioners when the case is called out.

Learned State Counsel is present.

Writ petition is dismissed for non-



prosecution.”

Admittedly, the applicant was a party to C.W.J.C. No. 19218 of 2011. There is no dispute and stands admitted in paragraph 39 onwards of the application that the petitioner was also one of the petitioners in the said writ application which was dismissed for want of prosecution.

In this background what we find is that the petitioner is now seeking a benefit arising out of the other matters which had been heard and were disposed of with a special reference to the judgment dated 17th August, 2017 passed in L.P.A. No. 500 of 2016. We gainfully extract paragraph 39 of the said judgment:

“So far as the appeals preferred by the original writ petitioners are concerned, even though we agree with the findings of the learned Single Judge that there are illegality and infirmity in redrawing the list but we are of the opinion that in the given circumstance, the learned Single Judge was justified in not quashing the entire selection process at this stage as it would have up-set a large number of appointees at such belated stage. Instead a little exercise in accordance with the direction of the learned Single Judge would be in the interest of justice to those candidates who despite being successful in first round itself have been ousted due to the wrongs committed by selection Board in re-



drawing the list. We are not inclined to accept the submissions of the original writ petitioners in appeals for quashing of the entire selection process. Thus, the appeals preferred by the original writ petitioners are also dismissed. There will no order as to costs.”

Learned counsel for the applicant has vehemently urged that as per the ratio of the said decision if the list is revised, the applicant would be benefitted and merely because his writ petition was dismissed for want of prosecution, the same cannot denude the petitioner to claim any rights arising out of the said litigation which would otherwise accrue to the petitioner on the revision of the list.

We have carefully gone through the said judgment and in view of what has been extracted hereinabove, we find that the observations which were made by the Division Bench were in relation to those candidates who despite being successful in the first round itself have been ousted. Learned counsel for the applicant contends that there were two sets of appeals which came to be finally disposed of and therefore, relying on paragraph 38 of the judgment referred to above he contends that the applicant would be benefitted in the event the opposite parties are called upon to comply with the said directions even in the case of the applicant.



Having considered the submissions raised at the Bar, the dismissal order dated 19th of July, 2012 in the writ petition filed by the applicant remains undisputed. The said order, therefore, in our opinion seals the fate of the applicant and even otherwise in view of the observations made in paragraph 39 of the Division Bench order, we see no reason to cull out a case for any willful and deliberate disobedience so as to exercise our jurisdiction under Article 215 of the Constitution of India read with Contempt of Courts Act, 1971. The application is accordingly consigned.

The dismissal of this application will, however, not prejudice the rights of the applicant in the event he is entitled to other benefits which he can claim before the appropriate forum.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

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