

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5424 of 2019

1. Dilip Kumar, aged about-40 years, son of Shri B.N. Jha Resident of Village- Abhuar, Police Station- Kishanpur, District- Supaul
2. Nagendra Kumar, S/o Ram Sakal Yadav Resident of Village- Moobarakpur, Police Station- Paraiya, District- Gaya
3. Dinesh Kumar S/o Shri Kapildeo Singh Resident of Village- Sowa (Kaw), Police Station- Wazirganj, District- Gaya
4. Ratan Kumar Singh S/o Ram Lakhan Singh Resident of Village- Mohanpur, Police Station- Dharhara, District- Munger
5. Naresh Paswan S/o Sri Ganesh Paswan Resident of Village- Antoor, Police Station- Bahera, District- Darbhanga
6. Gautam Ram S/o Sri Ram Prasad Ram Resident of Village- Hamindpur, Police Station- Baikunthpur and District- Gopalganj
7. Dharmendra Kumar S/o Sri Kailash Singh Resident of Mohalla- Bahri Dhawalpura (K.M. Road), Police Station- Bye-pass, District- Patna
8. Rajnish Kumar Verma S/o Sri Rameshwar Prasad Resident of Village- Moriya, Police Station Panapur, District- Chhapra
9. Viveka Nand Kumar S/o Sri Arjun Rawat Resident of Village- Malchak, Police Station- Belchhi, District- Patna
10. Praveen Kumar Verma S/o Sri Rameshwar Prasad Resident of Village- Moriya, Police Station- Panapur, District- Chhapra
11. Nagdeo S/o Sri Bishu Ram Resident of Village- Janakpur, Police Station- Moffasil, District- Gaya
12. Rajesh Kumar @ Kumar Rajesh S/o Raj Dayal Singh Resident of Quarter No.1-035, Sector-2/c, Police Station- City Thana Sector-1, Bokaro Steel City, Bokaro (Jharkhand)
13. Sumit Kumar S/o Satya Narayan Singh Resident of Village- Kushdhi, Police Station- Atichak, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Secretary, Home Department, Government of Bihar, Patna
3. The Director General of Police, Government of Bihar, Patna
4. The Bihar Staff Selection Commission through its Secretary, Bailey Road, P.O.- Veterinary College Campus, Sheikhpura, Patna-14
5. The Chairman, Bihar Staff Selection Commission, Bailey Road, P.O.- Veterinary College Campus, Sheikhpura, Patna-14

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 424 of 2019



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1. Naresh Kumar son of Bishwanath Tiwari, resident of Village- Bhagwanpur Pakari, P.O.- Manikpur Pakari, Police Station- Lalganj, District- Vaishali.
 2. Shyam Nandan Yadav son of Budhan Yadav, resident of Village- Bherkhiya, P.O.- Tikuliya, Police Station- Pipra, District- East Champaran.
 3. Gopal Swaroop son of Shitla Prasad Tiwary, resident of Mohalla- New Area, Post and Police Station- Sasaram, District- Rohtas.
 4. Deo Kant Prasad son of Surajdeo Singh, resident of Village- Tankupi, Post- Dumara, Police Station- Haspura, District- Aurangabad.
 5. Ajit Kumar Thakur son of Late Kusheshwar Thakur, resident of Village and P.O.- Bhagwatpur, Police Station- Sarairanjan, District- Samstipur.
 6. Md. Fida Hussain son of Md. Ahmad Ali, resident of Village- Kali Prasad, Post- Kali Prasad, Police Station- Pirpanti, District- Bhagalpur.
 7. Chintamani Rajak son of Ramdhari Rajak, resident of Village- Tingharwa, Post- Bhairoganj, Post- Chandan, District- Banka.
 8. Prit Kumar son of Ayodhya Prasad, C/o Shri Thakurji Rice Mill, Station Road, Nokha, Police Station- Nokha, District- Rohtas.
 9. Navin Kumar Verma son of Mahendra Prasad, resident of Village- Kusumyori, Post- Fatehpur, Police Station- Chandan, District- Banka.
 10. Shankar Choudhary, son of Nakul Choudhary, resident of Village- Bhusunda, P.O.- Nouranga, Police Station- Muffassil, District- Gaya.
 11. Dayanand Mishra son of Late Ramchandra Mishra, resident of Village- Bauraha, Police Station- Laukaha, District- Madhubani.
 12. Md. Kauser son of Md. Salim, resident of Village and Post- Andhana, Police Station- Noorsarai and District- Nalanda.
 13. Radheshyam Paswan son of Late Ramkrit Paswan, resident of Village- Mehandwar, Post- Pahariya, Police Station- Bhagwanpur, District- Kaimur at Bhabhua.
 14. Subhash Chandra Bose son of Late Ramkrit Paswan, resident of Village- Mehandwar, Post- Pahariya, Police Station- Bhagwanpur, District- Kaimur at Bhabhua.
 15. Awadhesh Kumar Paswan son of Sheo Kumar Paswan, resident of Village- Semra, Post- Balua, Police Station- Brahampur, District- Buxar.
 16. Munna Ram son of Ramashankar Ram, resident of Village- Puchhari, Post- Gayghat, Police Station- Brahampur, District- Buxar.
 17. Parmeshwar Nath son of Madan Ram, resident of Village- Ganj, Post- Ossain, Police Station- Bihiya, District- Bhojpur.
 18. Bidyanand Paswan son of Gorelal Paswan, resident of Village and Post- Madarpur, Police Station- Maheshkhunt, District- Khagaria.
 19. Parbhaker Kumar son of Gangadhar Prasad, resident of Village and Post- Raghunathpur, Police Station- Sahebpur Kamal, District- Begusarai.
 20. Akhilesh Kumar son of Jagarnath Paswan, resident of Village- Mahvar, Post and Police Station- Daudnagar, District- Aurangabad.
 21. Virendra Choudhary son of Badho Choudhary, resident of Village and Post-



- Kenarchatty, Police Station- Wazirganj, District- Gaya.
22. Pravind Kumar Singh son of Sri Chhatradhari Singh, resident of Village- Banow, Post- Basariya, Police Station- Chouparan, District- Hazaribagh Jharkhand.
 23. Niraj Kumar son of Sri Shambhu Narayan Singh, resident of Village- Tandih, Post and Police Station- Chauparan, District- Hazaribagh Jharkhand.
 24. Sunil Kumar Dubey son of Ramkrishna Dubey, resident of Village and Post- Bangra, Police Station- Daudpur, District- Chhapra.
 25. Santosh Kumar Singh son of Ram Sobha Singh, resident of Village and Post- Fakuli, District- Chhapra Saran.
 26. Rajesh Sharan son of Rameshwar Nath Sharan, resident of Village- Nai Bazar, Betia Raj Chhawani Chapra, Police Station- Bhagwan Bajar, District- Chapra Saran.
 27. Rajeev Kumar Chaudhary son of Krishna Nanda Chaudhary, resident of Village- Marahiya, Post- Meera Mushehari, Police Station- Chhapra Muffasil, District- Saran.
 28. Mithilesh Thakur son of Rajendra Thakur, C/o Gopal Sharma, residing at Janta Flat, Block No.- 5, Flat No. 217, Sector- 06, B.N. Colony, Post- Lohia Nagar, Police Station- Kankarbagh, District- Patna.
 29. Rajeev Kumar son of Bijay Kumar Yadav, resident of Village- Narayanpur, Post- Narayanpur, Police Station- Bihpur, District- Bhagalpur.
 30. Sanjay Kumar Suman son of Arjun Prasad Sharma, resident of Village- Ramasi, Post- Sakrama, Police Station- Sanhoula, District- Bhagalpur.
 31. Rajesh Kumar Roy son of Sri Jognath Roy, resident of Village- Rotwan, Post- Svara, Police Station- Nokha Baghaila, District- Rohtas Sasaram.
 32. Sudhir Kumar son of Brajendra Kumar Singh, resident of Village and Post- Santhi, District- Siwan.
 33. Vikas Kumar son of Shambhu Nath Singh, resident of Village and Post- Santhi, District- Siwan.
 34. Chandra Kishor son of Basudeo Prasad Singh, resident of Village- Sahebganj, Adarsh Colony, Near J.B. Academy Champanagar, Police Station- Mohanpur, District- Bhagalpur.
 35. Murlidhar Singh son of Basudeo Prasad Singh, resident of Village- Sahebganj, Adarsh Colony, Near J.B. Academy Champanagar, Police Station- Mohanpur, District- Bhagalpur.
 36. Girish Kumar son of Bindeshwari Prasad Saha, resident of Village- Babu Bagicha, Police Station- Maheshkhunt, District- Khagaria.
 37. Pankaj Kumar son of Ramchandra Prasad, resident of Village and Post- Kenarchatty, Police Station- Wazirganj, District- Gaya.
 38. Rajeev Kumar son of Uday Shankar Prasad Singh, resident of Village and Post- Vaishali, Police Station- Vaishali, District- Vaishali.
 39. Umesh Kumar Singh son of Karunesh Singh, resident of Village and Post- Dhorlahikaithal, Police Station- Amnour, District- Saran.
 40. Rajesh Kumar son of Late Makhan Mahto, resident of Village- Milkichak,



Post- Jankinagar, District- Munger.

41. Mukesh Kumar Jha son of Pramod Kumar Jha, resident of Village- Dhamaura, Police Station- Chanpatiya, District- West Champaran.
42. Anil Kumar son of Manik Chand Paswan, resident of Village- Mirjapur Husain Chowk, Police Station- Meskaur, District- Nawada.
43. Krishna Kumar Paswan son of Suresh Paswan, resident of Village- Khatolla, Police Station- Sheosagar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Home Department, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Bihar Staff Selection Commission through its Secretary, Bailey Road, P.O.- Veterinary College C
5. The Chairman, Bihar Staff Selection Commission, Bailey Road, P.O.- Veterinary College Campus, Sheik

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 5424 of 2019)

For the Petitioner/s : Mr. Nilendu Kumar Choudhary

For the Respondent/s : Mr. Md.Nadim Seraj (GP-5)

Mr. Dhurendra Kumar, AC to GP-5

For the Commission : Mr. S. S. Sundaram, Advocate

(In Civil Writ Jurisdiction Case No. 424 of 2019)

For the Petitioner/s : Mr. Nilendu Kumar Choudhary

For the Respondent/s : Mr. Md.Nadim Seraj (GP-5)

Mr. Dhurendra Kumar, AC to GP-5

For the Commission : Mr. S. S. Sundaram, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 11-04-2019

Heard the learned counsel for the parties in both the cases.

2. A supplementary affidavit has been filed during the course of argument.

3. Let it be taken on record.



4. The petitioners have approached this Court for a direction to the respondent authorities to appoint them on the post of Sub-Inspectors in Bihar Police after exempting them from PET test against an advertisement which was issued in the year 2004 by the Bihar Staff Selection Commission, Patna.

5. Similar such matters were decided by this Court and by order dated 02.04.2019, this Court, taking into account the orders passed by the Hon'ble Supreme Court in various petitions as also Contempt Petition (C) No. 1711 of 2018, dismissed such petitions on the ground of the matter being stale and the selection process as against the advertisement of 2004 having been completed a long time ago.

6. Mr. Nilendu Kumar Choudhary, learned counsel for the petitioners however taking exception to the observations made in order dated 02.04.2019 passed in C.W.J.C. No. 5186 of 2019, which has been referred to in the preceding paragraph, has stated and informed this Court that even after the aforesaid direction of the Supreme Court on 01.11.2018 directing that in case of refusal of the State Government to accede to the request of the petitioners therein, they would



have no further right to agitate their claim before any Court, the Hon'ble Supreme Court has, in two matters, entertained such petitions. In one such case, an order was passed directing the petitioner therein to withdraw the writ petition from the High Court. In the other case, which has been entertained by the Supreme Court after the order dated 01.11.2018, notices have been issued to the Commission.

7. In any view of the matter, considering the fact that the issue now stands closed with the selection process having been completed long time back, this Court is not inclined to entertain such petitions seeking appointment on the post of Sub-Inspectors against the advertisement of the year 2004.

Both the writ petitions lack merit and are dismissed.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	12.04.2019
Transmission Date	

