

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5186 of 2019

1. Niraj, son of Bishewar Singh, resident of Ward No. 3, Bhasepur, PS- Sitamarhi, Distt.- Sitamarhi.
2. Shyambabu Kumar, son of Brajnandan Singh, resident of Ramnagar, PO- Sirauli, Distt.- Sitamarhi.
3. Mritunjay Kumar Giri, son of Jairam Giri, resident of Vill- Dhum Nagar, PS- Guthani, Distt.- Siwan.
4. Rajesh Kumar, son of Chandramouli Prasad Singh, resident of Vill- Babhangama, PS and District- Begusarai.
5. Archit Kumar Singh, son of Nagendra Kumar Singh, resident of Khldiya Barka Gaon, PO-Badkagaon Ed, District- Bhojpur.
6. Arvind Kumar, son of Prem Chandra Prasad, resident of College Gate, Madhubani, PS- Madhubani, District- Madhubani.
7. Bimlesh Kumar Singh, son of Ram Jatan Singh, resident of Vill- Rupaspur, PS- Rupaspur, District- Patna.
8. Shashi Shekhar Kumar, son of Satish Ray, resident of Village- Kailashpur, PO- Raichan Ullao, District- Begusarai.
9. Shubhash Chandra, son of Jagdambi Rajak, resident of Vill- Kiranpur, PS and District- Lakhisarai.
10. Alok Kumar, son of Ram Charitar Roy, resident of Villagel and PO- Rajaura, District- Begusarai.
11. Kapildeo Ram, son of Bhadaï Ram, resident of Sri Rampur, PO- Naranga, District- Sitamarhi.
12. Shiv Shankar Jha, son of Jagendra Jha, resident of Jogbani, PO- Haripur, District- Araria.
13. Ajit Kumar Nirala, son of Ram Sagar Prasad, resident of Chak Raha, PO- Rastra Nagar, District- Patna.
14. Amrendra Kumar, son of Mritunjay Prasad, c/o Sarwan Kumar Sinha, resident of Apila Tola, PO- Madhubani, District- Purnea.

... .. 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, Department of Personal and Administrative Department, Govt. of Bihar, Patna.
5. The Chairman, Staff Selection Commission Bihar, Patna.
6. Secretary, Bihar Staff Selection Commission, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Adv
For the Respondent/s : Mr.Sheo Shankar Prasad (SC- 8)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 02-04-2019

The petitioners have approached this court for issuance of mandamus to the respondent authorities to appoint them on the post of Sub-Inspectors in the 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.

2. It appears that for some of the anomalies in the selection process, the entire process was made subject to litigation and some of the unsuccessful candidates had approached the Hon'ble Supreme Court



as well. The Hon'ble Supreme Court, considering the claim of the aspirants and also with an anxiety of quietening the selection process which had begun in the year 2004, directed for appointment of certain number of persons who had approached the Court and were also found to be fit in the tests which were undertaken by them under the direction of the Court.

3. When such appointments were not being made, a contempt petition was filed by one of the candidates. In the aforesaid contempt petition viz. Contempt Petition (Civil) No. 14-18 of 2018, arising out of Civil Appeal No. 2806-2810 of 2017, the Hon'ble Supreme Court was informed that the order passed by the Supreme Court in all such petitions have been complied with. While the aforesaid proceedings were being concluded before the Supreme Court, some of the intervenors/applicants appeared through an advocate and prayed for same relief which was granted to 133 candidates, who were directed to be appointed.



4. The Supreme Court, vide order dated 01.11.2018 passed in Contempt Petition (C) No. 1711 of 2018 observed that those applicants/intervenors shall be free to make representations, appealing to the good conscience of the State of Bihar. The State of Bihar was stated to be free to consider the representations and pass appropriate orders in accordance with law. In case of such representations made by the intervenors/ applicants within one month from the date of the passing of the order, appropriate orders was required to be passed by the State on those representations within three months thereafter. The order further clarified that even if the representations of the applicants were to be rejected, it would not give rise to any proceeding/appeal in any one of the Courts.

5. The petition is silent about the fact whether any such representation by these petitioners were made within one month of passing of the aforesaid order dated 01.11.2018 and what had happened to such



representations, if filed within time. Even if those representations have been filed, as clarified by the Supreme Court, no right would accrue to the petitioners/representationists to agitate against rejection of such representations before any Court.

6. There does not appear to be any justification for this Court to interfere in the matter or to issue any direction to the respondent authorities, specially keeping in mind the direction passed by the Hon'ble Supreme Court in the contempt petition, referred to above, as also taking into account that the entire selection process which had begun in the year 2004 has now been closed/completed.

7. There is no merit in the petition and it is dismissed accordingly.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05/04/2019

