

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15652 of 2016

1. Gangesh Kumar Yadav Roll No. G04682 and Ors son of Ram Naresh Singh Yadav resident of VillagePost- Hicchan Bigha, P.S.- Daudnagar, District- Aurangabad.
2. Md. Aklimuddin Roll No.- G09113 , son of Md. Aquium Pura Kothi, P.S.- Kaler, District- Arwal
3. Vijay Kumar Singh Roll No.- G12164 son of Satram Singh Sonfi resident of Malhara, Haspura, District- Aurangabad.
4. Akhilesh Kumar Rai Roll No.- 01503 son of Saheb Rai resident of Badi Boknari, Pai Bigha, P.S.- Makhumpur, District- Jehanabad.
5. Rabindra Kumar Roll No.- G12970 son of Tula Prasad Yadav resident of Village- Ekamba, P.O.P.S.- Vhukiya, District- Nawada.

... .. Petitioners

Versus

1. The State Of Bihar through the Director General of Police, Patna Bihar
2. The Director General of Police, Patna.
3. Division Inspector General of Police, Patna.
4. Superintendent of Police, Gaya.
5. State Selection Commission through Secretary.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Anuj Kumar
For the Respondent/s	:	Dr. Mankeshwar Tiwari, AC to AAG 3
For BPSC	:	Mr. Lalit Narayan Jhya

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 28-02-2019 Heard learned Senior Counsel for the petitioners and
the learned Counsel for the respondent State.

The writ petition has been filed challenging the genuineness of the selection proceeding arising out of Advertisement No. 704 of 2004 for selection of Sub Inspectors of Police.



The issue, as per submission of the learned Senior Counsel for the petitioners was considered up to the Apex Court and the matter has been finally put at rest by proceedings arising out of Civil Appeal Nos. 2805 – 2810 of 2017. It is pointed out that in the contempt proceeding arising out of the said application claim of the intervenor-applicants claiming parity with 133 candidates who were granted relief in the said proceeding was considered. Consideration of the Apex Court relied upon by learned Senior Counsel is being reproduced for easy reference:-

“In view of above, we do not find any reason to continue with the contempt proceedings any more.

Mr. S. Nagamjuthu, learned senior counsel, and other counsel appearing for some of the intervenors/applicants, pray for the same relief which is granted to 133 candidates.

The said applicants are free to make representations appealing to the good conscience of the State of Bihar. The State of Bihar is free to consider the same and pass appropriate orders in accordance with law. In case such representations are made by the intervenors/applicants within one month from today, appropriate orders may be passed by the State on those representations within three months thereafter.

However, we make it clear that even if their representations are rejected, it will not give rise to any proceedings/appeal in any of the courts.



Any representations already filed shall also be disposed of within four months from today.

Office Report is ordered accordingly.”

Relying upon the same, it is submitted that since claim of the petitioners were also pending in these proceedings, and they have filed their representation availing of the liberty granted by the Apex Court in the order dated 1.11.2018, a direction should be issued to the respondents to pass orders thereon.

The admitted position is that the petitioners were not intervenor/applicants before the Apex Court. It is also not the case of the petitioners that their representations were already filed at the time of passing of the said order of the Apex Court in the contempt proceedings. In view of such situation, this Court would not be in a position to enlarge the scope of the order dated 1.11.2018 passed in favour of intervenors/applicants by the Apex Court in the contempt proceeding arising out of Contempt Petition (Civil) No. 1711 of 2018 on 1.11.2018.

Claim of the petitioners therefore cannot be acceded to by this Court in these proceeding.

The writ petition is dismissed.

(Madhuresh Prasad, J)

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