

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19339 of 2019

1. Arinjay Kumar Son of Sri Ram Pukar Singh Resident of- At and P.O.- Bhadai, Via- RampupurHari, P.S.- Hathuari, District- Muzaffarpur.
2. Rajesh Kumar Son of Sri Ramnath Singh Resident of- Balughat, Near Jangli Mai Asthan, P.S.- Town, District- Muzaffarpur.
3. Samrendra Kumar Roy Son of Sri Bipin Kumar Resident of- Balughat, Near BarahamAsthan, P.S. Town, District- Muzaffarpur.
4. Ashok Kumar Son of Bharat Singh Resident of- Sri Krishna Chowk, Majhauria Road, Post- H.P.O., P.S.- Kazimohammadpur, District- Muzaffarpur.
5. Saket Raj Son of Vinod Kumar Sinha Resident of- Qr. No. 3/B, Government Colony, Damuchak, Post- H.P.O., P.S.- Kazimohammadpur, District- Muzaffarpur.
6. Akbar Ali Son of Md. Habib Resident of- DamodarpurPathanToli, Post- Damodarpur, P.S.- Kanti, District- Muzaffarpur.
7. Shmbhu Rai Son of Sri Jayanarayan Rai Resident of- Keshopur, P.O.- Padmaul, P.S.- Kurhani, District- Muzaffarpur.
8. Abdhesh Kumar Karyee Son of Late Surendra Prasad Karyee Resident of Village and P.O.- ShahpurUndi, P.S.- Patory, District- Samastipur.
9. Satendra Kumar Son of Mahendra Rai Resident of- ParmanandPur, Post- LadauraPakri, P.S.- Sader, District- Muzaffarpur.
10. Rakesh Kumar Son of Raj DeoRai Resident of- DarpanSadon, New Zero Mile, Ahiyapur, Near Bazar Samiti, P.S.- Ahiyapur, District- Muzaffarpur.
11. PriyaRanjan Son of Gauri Shankar Singh Resident of- Ward No. 3, Dumari Road, Maripur, Bhagwanpur, P.S.- Kazimohammadpur, District- Muzaffarpur.
12. Satyendra Kumar Son of Maheshwari Prasad Resident of At and P.O.- Marwa, P.S.- PakriBarwa, District- Nawada.
13. Pranav Bihari Son of Badri Narayan Yadav Resident of Village- Kadavara, P.O.- Khesar, P.S.- Belhar, District- Banka.
14. Rajiv Kumar Son of Ram Pramod Pandey Resident of Village- Bhado, P.S.- Aurai, District- Muzaffarpur.
15. Amit Kumar Son of Arun Kumar Choudhary Resident of Village- MahmadpurLalse, Post- MahamadpurBadal, Via- Silout, P.S.- Sakra, District- Muzaffarpur.
16. Narendra Kumar Giri Son of Sri HarendraGiri Resident of At and P.O.- Areraj, Ward No. 3, P.S.- Govindganj, District- East Champaran.
17. Sanjiv Kumar Son of Sri Shivji Prasad Resident of At and P.O.- Pipra, Via- Govindganj, P.S.- Govindganj, District- East Champaran.
18. Saroj Kumar Son of Sri Prameshwar Prasad Sah Resident of Village- Purani Mehshi, P.O.- Mehshi, P.S.- Mehshi, District- East Champaran.
19. Kapilesh Pathak Son of Sri Devendra Pathak Resident of Village and P.O.-



Dumari Kalan, P.S.- Mejorganj, District- Sitamarhi.

20. Ajeet Kumar Son of Shree Kamla Singh Resident of Village- Chainpura, P.O.- Dariyapur, P.S.- Naubatpur, District- Patna.
21. Arun Kumar Yadav Son of Shatrughan Yadav Resident of Village- Milkee, P.O.- Tataila, P.S.- Kamtaul, District- Darbhanga.
22. Kumar Raushan Kishore Son of Arun Kishore Resident of Village and P.O.- Gurgaon, P.S.- Ekangarsarai, District- Nalanda.
23. Reetesh Ranjan Son of Chitranjan Prasad Resident of Village- Belbar, Post- Barakla, P.S.- Kothi, District- Gaya.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Home (Police), Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police, Patna Region, District- Patna.
5. The Inspector General of Police, Gaya Region, District- Gaya.
6. The Inspector General of Police, Muzaffarpur Region, District- Muzaffarpur.
7. The Inspector General of Police, Darbhanga Region, District- Darbhanga.
8. The Inspector General of Police, Saran Region, District- Saran at Chapra.
9. The Inspector General of Police, Munger Range, District- Munger.
10. The Inspector General of Police, Nalanda Region, District- Nalanda.
11. The Bihar Staff Selection Commission, through its Secretary.
12. The Chairman, Bihar Staff Selection Commission, Patna.
13. The Secretary, Bihar Staff Selection Commission, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Respondent/s : Mr.Md.Nadim Seraj (Gp5)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 06-11-2019 This writ application arises out of a selection process for appointment against the posts of Sub Inspector of Police in the State of Bihar, which was initiated in 2004. The said selection process had given rise to a series of litigations before this Court and the Apex Court under Article 226 of the



Constitution of India, letters patent appellate jurisdiction of this Court and Article 136 of the Constitution of India. Several appeals were preferred before the Supreme Court and several orders were passed.

I need not take note of all those developments in detail in the present writ application in the background of the nature of relief which the petitioners are seeking and the nature of an order passed by the Supreme Court in one of the proceedings.

The petitioners are 23 in number. They are seeking quashing of an order dated 15.02.2019, issued by the Office of the Director General of Police, Bihar, whereby the representation of the petitioners filed pursuant to an observation made by the Supreme Court has been rejected. The impugned order has been brought on record by way of Annexure-1 to the writ application passed on the representation of petitioner No.1. Identical orders have been passed in respect of other petitioners. The representations were said to have been filed in the light of the observation/liberty granted by the Supreme Court in the order dated 01.11.2018 passed in CONMT. PET.(C) No. 1711/2018 in CONMT. PET.(C) No. 22/2018 in C.A. No. 2805/2017. The said order reads thus : -

“Mr. M. Soheb Alam, learned counsel, appears for the



State and Mr. Arun K. Sinha, learned counsel, appearing for Bihar Staff Selection Commission, submit that Order dated 24th October, 2018 has been complied with. Mr. M. Shueb Alam has filed Compliance Affidavit on behalf of Director General of Police, Bihar on 31st October, 2018. Compliance Report filed by Mr. Arun K. Sinha on behalf of the Chairman of the Bihar Staff Selection Commission today before the Court is also taken on record.

Mr. P.S. Patwalia, learned senior counsel appearing for the applicants, submit that 133 candidates have been appointed and order passed by this Court, as above, has been complied with by the State.

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

Mr. S. Nagamuthu, 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.”

(underlining for emphasis)

In view of the order dated 01.11.2018 passed by the Supreme Court, in my opinion, this writ application cannot be



entertained by this Court.

In view of the clear observation made by the Supreme Court, as noted above, this writ application cannot be entertained and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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