

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11921 of 2017

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1. Kailash Kumar Son of Ram Chandra Mandal, Resident of Village Post-Raniparti, P.S.- Rosera, District- Samastipur- 848117.
 2. Balram Kumar, Son of Suresh Yadav, Resident of At- Dis Sanjhouti, P.S.- Alouli, District- Khagariya- 848203.
 3. Mukesh Kumar, Son of Ramgiresh Sharma, Resident of Village Post- Jalpura, P.S. District- Arwal- 804401.
 4. Rohit Kumar, Son of Hari Prasad, Resident of Village P.S.- Parsa Bazar, District- Patna- 804453.
 5. Lal Krishana, Son of Late Mahendra Prasad, Resident of Kailashpuri Ward-II, Post P.S.- Dumra, District- Sitamarhi- 843301.
 6. Mirtunjay Kumar, Son of Rampukar Yadav, Resident of Village-Makhdumpur, Post P.S.- Rafiganj, District- Aurangabad- 824125.
 7. Vivek Kumar, Son of Shankar Yadav, Resident of Srikrishna Vihar Colony, Beur, Anisabad, Patna- 800002.
 8. Amish Kumar, Son of Rabindra Sharma, Resident of Village Post- Angrahi, P.S.- Daudnagar, District- Aurangabad- 824115.
 9. Amarjeet Mishra, Son of Anil Mishra, Resident of Village Post- Sonbarsa, P.S.- Shahpur, District- Bhojpur- 802112.
 10. Navin Kumar, Son of Mithilesh Sharma, Resident of Village Post- Chichaura, P.S.- Konch, District- Gaya, Pin- 824207.
 11. Saurav Kumar, Son of Late Shyam Nandan Sharma, Resident of Village Post-Murera, P.S.- Konch, District- Gaya, Pin- 824207.
 12. Alok Kumar Singh, Son of Sri Ganga Sagar Singh, Resident of Village-Derari, Post- Derari, P.S.- Karakat, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
3. Bihar Staff Selection Commission through its Secretary, Veterinary College, Patna- 800 014.
4. The Chairman, Bihar Staff Selection Commissioner, Veterinary College, Patna- 800 014.
5. The Controller of Examination, Bihar Staff Selection Commission, Veterinary College, Patna- 800 014

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumar Kaushik, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad - Sc8

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 23-01-2019



Heard learned counsel for the petitioners and the State.

2. The petitioners who were the applicants against an advertisement dated 01.09.2014 for Second Graduate Level Combined Competitive Examination for both group A and B posts have come up before this Court for a direction to the authorities for filling up the advertised vacancy in group A or group B which according to the information of the petitioners is still vacant.

3. Learned counsel for the petitioners has informed this Court that pursuant to the advertisement, the petitioners appeared in preliminary examination and were declared successful. The result of the mains examination was also published in which the name of the petitioners were listed. The aforesaid list was not the merit list but only list of such applicants who had obtained marks above the cut off marks. However for physical test, the petitioners were not called. The only inference therefore is that for calling the persons for interview/physical tests, some cut off marks must have been fixed in particular ratio of the vacancy and the applicants.

4. Learned counsel for the petitioners submits that whatever may be the situation, in group A posts, only 199 candidates became successful who have been offered



letters of appointment. Approximately 1000 posts are still vacant.

5. It has further been submitted that the advertisement initially was for 1593 posts in group A services which was later reduced to 1294 posts. There is no averment with respect to the advertisement of 2023 posts for group B posts.

6. The petitioners are concerned with group A posts only. The occasion for the petitioners to approach this Court and insist that the entire vacancy which was advertised be filled is that till late i.e. till 2018, some appointments have been made pursuant to the aforesaid advertisement and the process of selection of candidates. While some of the persons were called for counseling, the letter asking them to attend the counseling clarified that there could be another round of counseling also. The petitioners therefore are sanguine that the employer i.e. the Government is interested in filling up the vacancies.

7. Learned counsel for the petitioners has been candid enough while advancing his arguments that it is for the employer to fill up the vacancies for which the process began in the year 2014 and much time has elapsed since then.



8. Under such circumstances, no direction/mandamus could be issued to the respondent authorities.

9. However considering the general background of this case and taking into account the fact that a large number of posts which were advertised has still remained vacant, this Court expresses a wish that the same may be filled as it would be good for the police administration as also for providing employment to desirous youths of the State.

10. The petitioners are therefore permitted to represent their case before the Director General of Police of Police (the DGP is not a party in the present writ petition) within a period of four weeks intimating him about thousand posts remaining vacant.

11. This Court hopes and trust that the DGP shall look into the matter and shall take a decision shortly in that regard.

12. With the aforesaid observation, the writ petition is disposed off.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.01.2019
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