

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1019 of 2019

In
Civil Writ Jurisdiction Case No.12664 of 2016

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1. Pranjeet Prakash @ Praneet Prakash S/o Shri Girendra Prasad R/o Rupauhali, Behind Flood Control Office, P.O. and P.S.- Parbatta, District-Khagaria.
 2. Triloki Kumar S/o Bharosha Rai, Resident of Village - Baburbani, P.s.- Sonpur, Distt.- Saran

... .. Petitioners.

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Govt. of Bihar, Patna namely Shri Sanjay Kumar.
2. The Bihar Staff Selection Commission Patna through its Secretary, Patna namely Shri Om Prakash Pal.
3. Shri Ravindra Kumar Chairman, Bihar Staff Selection Commission, Patna.
4. Shri Om Prakash Pal, Secretary, Bihar Staff Selection Commission, Patna.

... .. Opposite Parties.

Appearance :

For the Petitioner/s : Mr. S.D.Sanjay, Sr. Advocate
Ms.Priya Gupta, Advocate
For the Opposite Party/s : Mr.Rajeshwar Singh (Ga10)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 10-12-2020

Order dated 30th of August, 2016 reads as under:

“Heard learned senior counsel
for the petitioner, counsel for the Staff
Selection Commission and the State.

Writ application is disposed
off with an observation that the
Secretary of Staff Selection
Commission will reconsider by



verifying the authenticity of the Diploma of the petitioners afresh and if it is found in conformity with the advertisement and requirement as well as the guidelines issued by the Health Department, Government of Bihar, dated 28.07.2016, an appropriate decision will be taken and communicated to the petitioner, preferably within a period of four weeks from the date of communication/production of a copy of this order.

Writ application stands disposed off with observation/direction as above.”

The reason for non-consideration of the petitioners’ case in the light of the directions reproduced supra is not indicative from the reply to the show cause filed by Respondent No. 1, namely The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna, namely Shri Sanjay Kumar but, however, Shri Ajay Prasad Singh, learned counsel appearing for the Bihar State Staff Selection Commission, Respondent Nos. 3 and 4, states that the petitioners failed to represent, as such no decision could be taken.



The stand taken in the Court, to say the least, is preposterous. There was no direction for the petitioners to first represent whereafter only their case would be considered. It was mandatory and obligatory on the part of the said respondents to have complied with the orders passed by this Court, for no additional material was required to be placed by the petitioners. Their cases were directed and ought to have been considered on the basis of materials on record, in view of the terms of the advertisement and the particulars disclosed by the petitioners. Regretfully, it was not so done.

Be that as it may, we direct the Respondent No.3, namely Chairman, Bihar Staff Selection Commission, Patna and Respondent No.4, namely Secretary, Bihar Staff Selection Commission, Patna to positively take a decision on the petitioners' application, in terms of the order reproduced supra. Needless to add, their cases shall be considered on the basis of the attending Statutes, facts and circumstances, prevalent on the date of the passing of the order reproduced supra.

Liberty reserved to the petitioners to revive the present petition, if no decision is taken within one week from today.

We hasten to add, of refraining ourselves from



initiating action under the contempt jurisdiction of the Court.

If the petitioners are aggrieved of the decision which the authorities would now take, it shall be open for them to take recourse to such remedies as are otherwise available in accordance with law.

Petition is disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Prabhat Kumar Singh, J)

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