

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9067 of 2019

1. Om Prakash S/o-Rajendra Prasad, C/o-Late F.C. Ram, Resident of Mohalla-Chandpur Bela, Sheopath, P.S.-Jakkanpur, P.O.-G.P.O., District-Patna.
2. Amit Kumar S/o-Sri Indu Bhushan Prasad Resident of Village-Maksudpur, P.S.-Fatuha, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, department of Bihar, transport (Enforcement Branch), Government of Bihar, patna, Department of Transport
2. The Chairman of Bihar Staff selection Commission, Vetenary College, Patna-4.
3. The Secretary of Bihar Staff Selection Commission Vetnery College, Patna.
4. Vikash Kumar Roll no. 128257 Fathers name and address not Known to the Petitioners Bihar
5. Gopal Mishra Roll no. 136943 Fathers name and address not Known to the Petitioners Bihar
6. Raju Ranjan Roll NO. 117559 Fathers name and address not Known to the Petitioners Bihar
7. Shri Pankaj, Roll no. 127393 Fathers name and address not Known to the Petitioners Bihar
8. Anjani Kumar Pathak Roll no. 121610 Fathers name and address not Known to the Petitioners Bihar
9. Pramod Bharti Roll no. 132507 Fathers name and address not Known to the Petitioners Bihar
10. Lalit Kumar Dubey Roll no. 134177 Fathers name and address not Known to the Petitioners Bihar
11. Amrendra Kumar Roll no.116748 Fathers name and address not Known to the Petitioners Bihar
12. Arun Kumar Roll no. 103838 Fathers name and address not Known to the Petitioners Bihar
13. Santosh Kumar Roll no. 139136 Fathers name and address not Known to the Petitioners Bihar
14. Shiv Kumar Roll no. 109523 Fathers name and address not Known to the Petitioners Bihar.
15. Ashok Kumar Paswan Roll no. 113116 Fathers name and address not Known to the Petitioners Bihar
16. Vibha Kumari Roll no. 124957 Fathers name and address not Known to the Petitioners Bihar
17. Hemant Kumar Prasad Roll no. 121035 Fathers name and address not Known to the Petitioners Bihar



18. Yogendra Prasad Roll no. 136019, Fathers name and address not Known to the Petitioners Bihar
19. Manoj Kumar Roll no. 134155 Fathers name and address not Known to the Petitioners Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Giri
For the Respondent/s : Mr.Sarvesh Kumar (Gp24)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 18-02-2020 The petitioner had earlier approached this Court by filing a writ application C.W.J.C. No. 5135 of 2013 and subsequently by an appeal, giving rise to L.P.A. No. 249 of 2014, in relation to a process of selection initiated by the Bihar Staff Selection Commission, for appointment as Enforcement Sub-Inspector in the Transport Department. The selection is governed by Bihar Transport (Enforcement Branch) Cadres Rule, 2003, the advertisement for which was published on 17.12.2004. The petitioner had lost in the writ proceeding as well as before the Division Bench in L.P.A. The Division Bench in the order dated 24.11.2015 passed in L.P.A. No. 249 of 2014 had made an observation in paragraph 24 as follows:-

“24. What is also not in dispute is that the total marks in the interview was 20 and the minimum qualifying marks for a candidate of Most Backward Class and Backward Class were 139 and 145 respectively.”



2. Learned counsel for the petitioner has submitted that subsequent to decision of Division Bench, the petitioner has learnt that some of the candidates have been awarded more than 20 marks in the interview, which could not be brought to the notice of the Division Bench in the absence of requisite knowledge.

3. Be that as it may, the present writ application, seeking this Court's interference in the process of selection, cannot be maintained, the matter having attained finality at the level of the Division Bench of this Court.

4. The petitioner is seeking liberty to file review application against the order of the Division Bench. It would be inappropriate for this bench sitting singly to grant such liberty to approach the Division Bench. What recourse is legally permissible is always open for the petitioner to take.

(Chakradhari Sharan Singh, J)

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