

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.53 of 2020

In

Civil Writ Jurisdiction Case No.10160 of 2019

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1. Ajay Kumar Son of Narendra Kumar Singh, resident of Village H.No. 26, Ballipur, P.O.- Lakhana, P.S. Gaurichak, Dist- Patna, PIN- 804453 (Bihar).
 2. Devendra Kumar, Son of Yogendra Singh, resident of Village- Phateshpur, P.O. Shain, P.S. Phulwari Sarif, Dist- Patna, PIN - 804451 (Bihar).
 3. Navin Kumar, Son of Ayodhya Rai, Resident of Village- Kharaon (Khurda), Andhari, P.S. Sahar, District- Bhojpur PIN- 802222 (Bihar).
 4. Ritesh Kumar, Son of Rishideo Yadav, Resident of Village- Hasanganj, P.S.- Safiabd, District- Munger, PIN- 811214 (Bihar).
 5. Pankaj Kumar, Son of Rishideo Yadav, Resident of Village- Near Choti Durga Mandir, P.O.- Sadipur, P.S. Kotwali, District- Munger, PIN- 811201 (Bihar).
 6. Jai Prakash Ram, Son of Mokhtar Ram, resident of Village- Najiba, P.O.- Pipra, Sahajitpur, P.S. District- Saran, PIN- 841422 (Bihar).
 7. Harendra Paswan, Son of Sukhari Manjhi, Resident of Village- Sondhani, P.S. Bhagwanpur Hat, District- Siwan PIN- 841408 (Bihar).
 8. Niraj Kumar, Son of Nand Kishor Singh, resident of Village House No. 14, Karnauti, P.O. Karnauti, P.S.- Bakhtiyarpur District Patna, PIN- 803212 (Bihar).
 9. Abhiram Kumar, Son of Umesh Sharma, Resident of Karauta, Doma Road, near Dharmasala, Ward No. 3, P.S. Slimpur, District Patna, PIN- 803202 (Bihar).
 10. Shailendra Kumar, Son of Lalbali Roy, Resident of Village/Mohalla- Mohwa Bagh, Dhanuat Sahay Nagar, Danapur, P.S.- Rupaspur, District- Patna, PIN- 801506 (Bihar).
 11. Deepak Kumar, Son of Devendra Prasad Singh, Resident of F.C.I Corner, Birla Colony, Phulwarisharif, P.O. and P.S.- PhulwariSharif, District- Patna 801505 (Bihar)
 12. Ram Awatar Ram, Son of Sriram Prabhaw Ram, Resident of Village and P.O. Dadar, P.S.- Mohania, District- Kaimur (Bhabhua) Mohania PIN- 821109.

... .Petitioners .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Home (Police) Department, Government of Bihar, Patna.
3. The Bihar Staff Selection Commission through its Chairman, Baily Road, Patna.
4. The Bihar Staff Selection Commission through its Secretary, Baily Road, Patna.



5. The Director General of Police, Bihar , Patna.
6. The Additional Director General of Police (HQ), Bihar, Patna.
.....Respondent / Respondent 1st set
7. Rajeshwar Prasad S/o Ramchandra Prasad, R/v and P.O.- Asarhi, P.S.- Hilsa, Dist.- Nalanda (Bihar) 801302.
8. Sashi Kant, S/o Dudheshwar Rai, R/o house no.1 Sector -7, B.K. Institute, Nepali Nagar, Phulwari, Patna- 25 (Bihar).
9. Sanjay Kumar, S/o Krishna Prasad, R/V- Mahua Bagh, P.O.- Sahaynagar, Dhanaut, P.S. Rupaspur, Dist.- Patna 801506 (Bihar).
10. Kshitij Sivam, S/o Jagdish Prasad Verma, R/o 66FCI Road P.S.- Phulwarisarif, Dist. Patna, 801505 (Bihar).
11. Sanjeev Kumar Jha, S/o Taresh Jha, R/o Ward no. 12, P.S.- Kashipur, Dist.- Samastipur 848101 (Bihar).
12. Ashok Kumar, S/o Shyam Narayan Yadav, R/o Devi Mandir (near Ahamad Bigha), P.S. Kumardih, Dist.- Jahanabad 804427 (Bihar).
13. Abhay Kumar, S/o Ram Yatan Prasad, R/o Pacharukhiya (Kasimpur), P.S. and P.O.- Khusrwpur, Dist. Patna, 803202 (Bihar).

...Petitioner / Respondent 2nd set

Appearance :

For the Appellant/s : Mr.Jitendra Kumar Singh, Advocate
For the Respondent/s : Mr.Prabhat Kumar Verma (Aag3)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-02-2021

This appeal has been filed by the appellants against the order dated 18.12.2019 passed by the learned Single Judge in C.W.J.C. No.10160 /2019, titled as Rajeshwar Prasad & Ors. Vs. The State of Bihar and Ors.).

Learned counsel for the parties jointly pray that the present appeal may be disposed of in terms of order dated 31.01.2020 passed in L.P.A. No.571 of 2019 (Naresh Kumar



and ors. Vs. the State of Bihar and Ors.) and other analogous matters.

The said order is reproduced as under:-

“Heard learned counsel for the appellants, learned counsel for the State and learned counsel for the Commission.

Counsel for the appellants submits that those 133 persons, who have been recruited, have been appointed after the order of Hon’ble Supreme Court as they have approached the Hon’ble Supreme Court, but, in fact, they have secured lesser marks than these appellants.

It has been brought to our notice that the identical matter was taken into consideration by a coordinate Bench of this Court in L.P.A. No.755 of 2019, vide order dated 17.07.2019, the Court has refused to entertain any such claim with regard to the selection pursuant to the advertisement of 2004.

In the present cases, the issue is the same. The learned Single Judge has refused to reopen the matter on the ground that the issue now stands closed with the selection process having been completed long time back pursuant to advertisement of the year 2004.

We do not find any difference with the fact of LPA No.755 of 2019 and the present case.

In such view of the matter, we do not find any merit in these appeals and, accordingly, the same is dismissed.”

As such, the present appeal is dismissed in terms of the order dated 31.01.2020 passed in L.P.A. No.571 of 2019 (Naresh Kumar and ors. Vs. the State of Bihar and Ors.) and the



observations and directions contained in the said case shall
apply also to the present case *mutatis mutandi*.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

