

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.689 of 2021

In

Civil Writ Jurisdiction Case No.9936 of 2021

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Vijay Kumar S/o-Nawal Kishor Sharma, R/o Village- Muriya Bigha, P.S.-
Okari, District-Jahanabad.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector Genral of Police Bihar (Personnel) Bihar, Patna.
4. The Bihar Staff Selection Commission, through its Secretary, Bihar, Patna.
5. The Chairman, Bihar Staff Selection Commission, Patna.
6. Uttam Kumar Jha S/o Dinesh Jha R/o Village-Dobhi, P.S.-Dobhi, District-
Gaya.
7. Sanjiv Kumar Rajak S/o Shayam Das Rajak, R/o Village-Chhotki Delha
Gusal Khan Road Gaya, P.S.-Gaya, District-Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Avinash, Adv
For the Respondent/s : Mr.P.K. Verma (AAG3)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-12-2021

Heard learned counsel for the parties.

Appellant has prayed for the following relief(s):-

“That the instant memo of appeal is being preferred by the petitioner/Appellant for setting aside the order dated 07.12.2021 passed in CWJC No. 9936 of 2021 by Hon’ble Mr. Justice P.B. Bajanthri whereby and wherein the learned Single Judge has been pleased to dismiss the writ petition preferred by petitioner/Appellant.”

Learned counsels jointly pray that the appeal be disposed of in terms of the judgment and order dated 31.01.2020 passed by a co-ordinate bench of this Court in LPA No. 571 of 2019 and its analogous cases (titled as Naresh Kumar & Ors Vs. State of Bihar and Anr and its analogous cases), relevant portion whereof reads as follows:-

“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 disposed of in the
aforesaid terms.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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