

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1236 of 2019

In

Civil Writ Jurisdiction Case No.14184 of 2014

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Mahesh Prasad, son of late Sadhu Thakur resident of House No. L/21 Road
No.12, Srikrishna Nagar, P.S.- Budha Colony, Town and District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Home Secretary, Home (Police) Department, Bihar, Main Secretariat, Patna.
2. Director General of Police, Bihar, Home (Police) Department, Bihar, Main Secretariat, Patna.
3. Additional Director General, Bihar, Home (Police) Department, Bihar, Main Secretariat, Patna.
4. Commandant, Mahila Sashtra Battalion, Sasaram Camp, BMP- 2, Sasaram, Rohtas.
5. Subodh Kumar, Roll No. 194, posted as Water Carrier, Mahila Sashtra Battalion, Sasaram Camp, BMP- 2, Sasaram, Rohtas.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Shivendra Kishore, Sr. Advocate Mr.Saroj Kumar, Advocate
For the Respondent/s	:	Mr.P.K. Verma, AAG 3 Mr. Suman Kumar Jha, AC to AAG 3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-03-2021

This appeal is preferred against the order dated
20.08.2019 passed by the learned single Judge in CWJC No.
14184 of 2014, titled as **Mahesh Prasad Vs. The State of
Bihar & Ors.**

Having heard learned counsel for the appellant,



we do not find any reason to interfere with the impugned judgment dated 20.08.2019 passed by the learned single Judge in CWJC No. 14184 of 2014.

The learned Single Judge rightly held the issue of re-evaluation to have been addressed by the authorities, pursuant to the direction issued by this Court in the earlier round of litigation prompted by the petitioner. Before us, the impugned action could not be exhibited to be arbitrary, illegal, capricious and whimsical.

We notice that, on record, there is no allegation of nepotism or favouritism on the selection process of 4th Grade Employees in Police Service held in the year 2011.

At some stage, the litigant has to be satisfied with the decision rendered by this Court and cannot pursue the litigation in perpetuity. On re-evaluation, the petitioner was found to have scored marks higher than the successful candidate, namely, Subodh Kumar, who was impleaded as respondent no. 5.

Further, whether the directions contained in the earlier round of litigation were complied with or not, the issue cannot be allowed to be agitated in the Letters Patent Appeal, more-so when, as apparent from the order, we do not find the



same to have been canvassed before the learned single Judge at the time of passing of the impugned order.

As such, for all the purposes, present appeal stands dismissed.

Interlocutory application, if any, shall stand dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Amrendra

AFR/NAFR	
CAV DATE	
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