

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.684 of 2021

1. Shashi Kumar Sharma son of Shankar Sharma Resident of village -Turki, P.S. - Driyapur, P.O. - Barwe, District- Saran.
2. Sanjeet Kumar son of Siyaram Prasad Resident of village Mathiya Chhatuni, P.S. - Chhatuni, P.O. - Motihari, District- Motihari.
3. Mithun Kumar son of Ram Shakal Yadav Resident of village Khutaha, P.S. - Lodipur, P.O. - Khutaha, District- Bhagalpur.
4. Raju Kumar son of Anirudh Prasad Yadav Resident of village Khutaha, P.S. - Lodipur, P.O. - Khutaha, District- Bhagalpur.
5. Bablu Kumar son of Late Bhutkun Choudhary Resident of village Koluha, P.S. - Ahiyapur, P.O. - Loluha Paigambarpur, District- Muzaffarpur.
6. Durgesh Kumar son of Lal Bihari Singh Resident of village Balour, P.S. Balour, P.O. - Balour Kharj, District- Muzaffarpur.
7. Anunit Kumar Vatsa son of Abhay Kant Jha Resident of village Garh Baruari, P.S. - Supaul, P.O. - Garh Baruari, District- Supaul.
8. Lal Mohan Sharma son of yadvandan Sharma Resident of village Jodhan Bigha, P.S. - Belchhi, P.O. - Jodhan Bigha, District- Patna.
9. Amit Kumar son of Syamdev Yadav Resident of village Nirpur, P.S. - Makhdumpur, P.O. - Sagarpur, District- Jehanabad.
10. Ramesh Kumar son of Lal Bihari Prasad Resident of village Horil Bigha, P.S. - Noorsarai, P.O. - Ajanaura, District- Nalanda.
11. Ravi Kumar son of Santoshi Yadav Resident of village Pachna Road Sansar Pokhar, P.S. - Lakhisarai, P.O. - Lakhisarai, District- Lakhisarai.
12. Rahul Shrivastava son of Krishan Kumar Sinha Resident of village Ramgarhwa, P.S. - Ramgarhwa, P.O. - Ramgarhwa, District- East Champaran.
13. Kumar Gaurab son of Jagdish Prasad Ghosh Resident of village G.B. Kendua Via Narhat, P.S. - Sirdalla, P.O. - G.B. Kendua, District- Nawada.
14. Jay Prakash Yadav son of Jagadeesh Prasad Yadav Resident of village - Baikunthpur, P.S. - Ramnagar, P.O. - Ramnagar, District- West Champaran.
15. Krishan Kumar son of Surendra Prasad Bari Resident of village - Shahar Telpa, P.S. - Karp, P.O. - Shahar Telpa, District- Arwal.
16. Ram Kumar Sahni son of Umesh Sahni Resident of village - Godhana, P.S. - Bachhwara, P.O. - Godhana, District- Begusarai.
17. Shiv Kumar Sahni son of Umesh Sahni Resident of village - Godhana, P.S. - Bachhwara, P.O. - Godhana, District- Begusarai.
18. Chandan Kumar Mandal son of Rajaram Mandal Resident of village - Dimaha, P.S. - Gopalpur, P.O. - Dimaha, District- Bhagalpur.
19. Ranjan Kumar Singh son of Amar Kishor Singh Resident of village - Kanana, P.S. - Raxaul, P.O. - Kaudihar, District- East Champaran.
20. Rahul Kumar son of Deepnarayan Yadav Resident of village - Brahkurva, P.S. - Kumarkhand, P.O. - Brahkurva, District- Madhepura.



21. Kumod Kumar son of Nageshwar Pandit Resident of village - Mathura, P.S. - Belhar, P.O. - Mathura Sahebganj, District- Banka.
22. Amit Kumar son of Mohan Prasad Yadav Resident of village - Jahanpur, P.S. - Khairah, P.O. - Kakadhiya, District- Saran.
23. Prajesh Kumar son of balkishore Prasad Singh Resident of village - Jagatpur, P.S. - Panjwara, P.O. - Jagatpur, District- Banka.
24. Krishan Keshv Kumar son of Kamal Narayan Yadav Resident of village - Champaran, P.S. - Madhepur, P.O. - Biroul, District- Madhubani.
25. Shashi Kumar Patel son of Lalan Prasad Resident of village - Daidali Bazar, P.S. - Revelganj, P.O. - Revelganj, District- Saran.
26. Kundan Kumar Bharajwaj son of Brajesh Kumar Singh Resident of village - Ainwan, P.S. - Kako, P.O. - Saidabad, District- Jehanabad.
27. Manish Kumar Vishwkarma son of Raghunath Vishwkarma Resident of village - Tirdih Bhagalpur, P.S. - Bodh Gaya, P.O. - Bodh Gay, District- Bhojpur.
28. Sunil Kumar son of Bhgwan Singh Resident of village - Jhawan, P.S. - Bihiya, P.O. - Benwalia, District- Bhojpur.
29. Ashish Ranjan son of Sushil Prasad Yadav Resident of village - Khajurari, P.S. - Shambhuganj, P.O. - Chhatrahar, District- Banka.
30. Deepk Kumar son of Panchalal Yadav Resident of village - Telihar, P.S. - Beldaur, P.O. - Telihar, District- Khagariya.
31. Vijay Kumar Sah son of Satyanarayan Sah Resident of village - Jhahuri, P.S. - Laukaahi, P.O. - Laukaahi, District- Madhubani.
32. Yashpal Kumar son of Ramkri Kumar Resident of village - Nardidih, P.S. - Nardiganj, P.O. - Nardiganj, District- Nawada.
33. Bikesh Kumar Roy son of Kishori Roy Resident of village - Kataiya, P.S. - Deo, P.O. - Kataiya, District- Aurangabad.
34. Jitendra Kumar son of Devendra Prasad Resident of village - Bishunpur, P.S. - Begusarai, P.O. - Mirzapur Bandwar, District- Begusarai.
35. Prashant Raj son of Surendra Prasad Singh Resident of C/51- Police Colony, P.S. - Gardanibagh, P.O. - Anishabad, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Home Department, Government of Bihar, Patna.
3. The Bihar Police Sub-ordinate Service Commission Bihar, Patna through its Secretary.
4. The Chairman, The Bihar Police Sub-ordinate Service Commission Bihar, Patna.
5. The Officer of Special Duty, Bihar Police Sub-ordinate Service Commission, Patna.



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ritika Rani
For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 17-01-2022

The matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. In the instant petition, petitioners have prayed for the following relief/reliefs:

“A. For quashing the examination Sub-inspector of Police held on 22.12.2019 against the advertisement no. 01/2019 as contained in Annexure 1 and subsequently result published by Bihar Police Sub-ordinate Service Commission, Patna herein referred in short Commission on 28.01.2020 to the post of Sub-inspector of Police as contained in Annexure 7.

B. To hold and declare examination conducted by the Commission on 22.12.2019 to the post of Sub inspector of Police as contained in Annexure 1 and result published on 28.01.2020 as contained in Annexure 7 is based on large scale malpractice, leakage of question paper on social media at 1:42 pm, 1:46 pm, 1:47 pm and not free from doubt and large scale of unfair means and telecast by Zee Bihar News Channel.

C. Also for quashing notice as contained in Annexure 8 by which date of main competitive examination of Sub Inspector of Police against advertisement as contained in Annexure 1 has been fixed on 12.10.2020.

D. Also commanding the respondents to inquire into the matter by independent agency i.e. CBI about large scale of mis-affair means, malpractice committed, leakage of question paper on the date of examination i.e. 22.12.2019 which became viral at 1:42 pm, 1:46 pm, 1:47 pm and role attributed by commission in not cancelling the examination held on 22.12.2019 against the advertisement 01/2019 to the post of police sub-inspector and publishing the result as contained in Annexure 7.



E. Also commanding the respondents to ensure free, fair transparent examination and fresh examination to the post of Sub-inspector of Police against the advertisement 01/2019 in order to maintain the confidence to the students and public.

F. Also if any appointment is made during pendency of this writ application on the basis of examination held on 28.1.2020 against the advertisement as contained in Annexure 1 is fit to be quashed.

G. Also for necessary relief/reliefs, order/orders direction/directions for which the petitioner is entitled in the eye of law.”

3. Undisputedly, petitioners have not impleaded last candidate in the respective category as necessary and proper party. In the light of Apex Court decision in the case of ***Ranjan Kumar v. State of Bihar*** reported in (2014) 16 SCC 187 (para Nos. 4 to 13), the petitioners have not made out a case.

4. Accordingly, writ petition stands dismissed, reserving liberty to the petitioners to file fresh petition in accordance with law.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	25.01.2022
Transmission Date	

