

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12989 of 2021

=====

Sonali, Wife of Amresh Raj, Daughter of Sri Anil Prasad Resident of Village-
Paibigha, P.S.- Paibigha, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary General Administration Department, Govt. of Bihar, Patna.
3. The Principal Secretary Co-operative Department, Government of Bihar, Patna.
4. The Bihar Staff Selection Commission Veterinary College Campus, Patna through its Secretary.
5. The Chairman Bihar Staff Selection Commission, Veterinary College Campus, Patna.
6. The Secretary Bihar Staff Selection Commission, Veterinary College Campus, Patna.
7. Director General of Police, Government of Bihar, Patna.
8. Home (Police) Department through its Secretary, Government of Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Ms.Ritika Rani, Adv
For the Respondent/s	:	Md. N.H. Khan (SC-1)
		Ms. Babita Kumar, AC to SC-1

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 17-08-2023

1. The Director General of Police and the Home (Police) Department through Secretary be impleaded as Respondent Nos. 7 and 8 respectively.

2. Heard learned counsel for the petitioner and learned counsel for the respondents.

3. The petitioner has approached this Court for the following reliefs:



"(A) For issuance of a writ in the nature of writ of Mandamus commanding the Chairman, Bihar Staff Selection Commission, Veterinary College Campus, Patna to recommend the name of the petitioner for appointment on suitable post on the basis of merit-cum- preference against the Advertisement No. 07070114 as contained in Annexure- 1.

(B)Also for commanding the General Administration Department, Government of Bihar and Respondent no. 3 to issue appointment letter to the petitioner on appropriate post against the Advertisement No. 07070114 as contained in Annexure- 1 on the basis of merit- cum-preference considering that the candidates obtaining lesser marks than the petitioner have been appointed in the general category and B.C category to the post of Cooperative Extension Officer and Grihpati Sah Lipik under Social Welfare Department.

C)Also for commanding the respondents to give seniority and other consequential service benefits from the date juniors to the petitioner have been appointed against the Advertisement No. 07070114 as contained in Annexure- 1."

4. During the pendency of the proceedings, the respondent-Bihar Staff Selection Commission (BSSC) has come out with a communication dated 14-8-2023 to the Director General of Police in the Headquarters, Patna, wherein it has been stated as follows:

"वरीय पुलिस अधीक्षक से प्राप्त प्रतिवेदन के आलोक में वि०सं०-07070114, द्वितीय स्नातक स्तरीय संयुक्त प्रतियोगिता परीक्षा के अभ्यर्थी सोनाली, अनुक्रमांक- 109503 का अनुशंसा पुलिस अवर निरीक्षक पद हेतु भेजी जाती है। उनका डोजियर भी इस पत्र के साथ संलग्न है।

अनुरोध है कि उक्त अभ्यर्थी की स्वास्थ्य जाँच के पश्चात् सभी मूल प्रमाण-पत्रों की जांचोपरांत अपने स्तर से संतुष्ट होने के बाद एवं निर्धारित प्रक्रिया का पालन करते हुए नियुक्ति के संबंध में अग्रेतर कार्रवाई करने की कृपा की जाय।



यह भी अनुरोध है कि अनुशासित अभ्यर्थी की नियुक्ति के पूर्व कार्मिक एवं प्रशासनिक सुधार विभाग (सम्प्रति सामान्य प्रशासन विभाग), बिहार, पटना के संकल्प संख्या-2082, दिनांक 01.04 2003 में निहित अनुदेशों का शत-प्रतिशत अनुपालन सुनिश्चित करने की कृपा की जाय।

- अनु०:- सोनाली, अनुक्रमांक- 109503 का Dossier |"

English translation

"In light of the report received from the Senior Superintendent of Police, the recommendation of Sonali (Roll No.- 109503), the candidate of 2nd Graduate Level Combined Competitive examination under advertisement No. 07070114 is sent for the post of the Sub-Inspector of Police. Her dossier is also attached herewith.

It is requested to take further action by following the due process regarding appointment of the said candidate after medical test and on being satisfied with the verification of original certificates of the said candidate from your own level.

It is also requested to ensure the compliance of prescribed instructions in toto as per Resolution no. 2082, dated 01.04.2003 of Personnel and Administrative Reforms Department (Presently, General Administration Department), Bihar, Patna prior to appointment of the recommended candidate.

Enclosure:- Dossier of Sonali (Roll No.- 109503)"

5. Parties, therefore, are in agreement that the reliefs prayed for in the writ petition have become infructuous.

6. Learned counsel for the petitioner submits that under similar circumstances, this Court in the case of **Vivek Kumar vs. the State of Bihar & Ors.** with analogues case passed in **CWJC No. 10857 of 2019**, has directed directed as follows:



"Considering the aforesaid, both these writ applications are disposed of with a direction to the Principal Secretary, Cooperative Department, Government of Bihar to forthwith ensure appointment and posting of the petitioners. If appointment and posting of the petitioners are not made within a period of one month from today, petitioners shall be entitled to payment of entire arrears of salary and other allowances from the date similarly circumstanced others have been appointed on the basis of the recommendation of the Bihar Staff Selection Commission in 2016 and arrears shall be borne out from the pocket of the erring officials who kept the petitioners' appointment on hold. If the petitioners are offered appointment within one month from today, petitioners shall be entitled to the benefit of continuity in service, seniority, pay protection except payment of arrears of salary.

With the aforesaid, both the writ applications stand disposed of. "

7. Considering the facts and submission of the parties, this Court is of the view that the instant writ application be also



disposed of in the same terms as *CWJC No. 10857 of 2019*.

8. This Court accordingly directs the Respondent Nos. 7 & 8 to forthwith ensure appointment and posting of the petitioner. If, however appointment and posting of the petitioner is not made within a period of one month from date of receipt/production of a copy of this order before the Director General of Police, Bihar, petitioner shall be entitled to payment of entire arrears of salary and other allowances from the date similarly circumstanced others have been appointed on the basis of the recommendation of the Bihar Staff Selection Commission in 2016 and arrears shall be borne out from the pocket of the erring official. If the petitioner is offered appointment within one month from date of receipt/production of a copy of this order, petitioner shall be entitled only to the benefit of continuity in service, seniority, pay protection except payment of arrears of salary.

9. Writ petition is disposed of.

(Madhuresh Prasad, J)

SUMIT/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.09.2023
Transmission Date	NA

