

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2480 of 2020

1. Chetan Kumar, Son of Gauri Shankar Singh, Resident of Mohalla-Araria R.S. Ward No. 3, Police Station-Araria, District-Araria.
2. Shiv Shankar, Son of Babulal Mehto, Resident of Mohalla-Om Nagar Ward No. 08, Police Station-Araria, District-Araria.
3. Jay Nath Jha, Son of Devi Kant Jha, Resident of Mohalla-Doria Ward No. 12, Haldarhat, Police Station-Araria, District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Home Department, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Bihar Staff Selection Commission through its Secretary, Bailey Road, P.O.-Veterinary College Campus, Sheikhpura, Patna-14.
5. The Chairman, Bihar Staff Selection Commission, Bailey Road, P.O.-Veterinary College Campus, Sheikhpura, Patna-14.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nilendu Kumar Chaudhary, Advocate Mr. Gajendra Kumar Singh, APP
For the Respondent/s	:	Mr. P.K.Verma (AAG-3) Mr. Saroj Kumar Sharma, AC to AAG-3
For the BSSC	:	Mr. Satyabir Bharti, Advocate Mr. Abhishek Anand, Advocate Ms. S. Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 07-12-2023

Heard learned counsel for the petitioners,
learned counsel for the State and learned counsel for the Bihar
Staff Selection Commission.

2. The present writ petition has been filed



directing the respondent authorities to give benefit of right of equality to the petitioners taking into consideration the order dated 14.09.2017 passed by the Hon'ble Supreme Court in Civil Appeal No.2795-2797 of 2017 through which 133 candidates who have been qualified in the physical test for the Sub-Inspector Recruitment exam conducted by the Staff Selection Commission, Bihar, through Advertisement No.704 of 2004 were directed to be appointed after medical examination like other candidates with the direction of the Hon'ble Supreme Court.

3. Learned counsel for the petitioners submits that petitioners are the candidates who have filed representation on which the State has taken no decision till date.

4. Learned counsel for the Bihar Staff Selection Commission submits that similarly situated persons like petitioners have moved before this Hon'ble Court in CWJC No.19339 of 2019 and Hon'ble Single Judge vide order dated 06.11.2019 considering all points which has been mentioned by the petitioners here and observed as under:-

“In view of the order dated 01.11.2018 passed by the Supreme Court, in my opinion, this writ



application cannot be entertained by this Court.

In view of the clear observation made by the Supreme Court, as noted above, this writ application cannot be entertained and is accordingly dismissed.”

5. Upon submissions of the argument it transpires to this Court that the Hon'ble Supreme Court has observed that those applicants moved before Hon'ble Court about them it has been observed that the said applicants are free to make representations appealing to the good conscience to the State of Bihar. The State of Bihar is free to consider the case and pass order in accordance with law. In case, such representations are made by the interveners/applicants within one month from today, the appropriate order may be passed by the State on those representations made within three months thereafter. However, we make it clear that even if their representations are rejected it will not give rise to any proceedings/appeal to any of the Courts and any representation already filed shall also be disposed of within four months from today. This order was passed by this Court on 01.11.2018. From the present writ petition it is not clear to this Court that what is the date of filing of representation by the present



petitioners. If it has been found that the said representation has been filed within one month from 01.11.2018 then only State is under obligation to pass order in compliance of direction made by the Hon'ble Supreme Court. But in case such representation by the petitioner has not been made within the said period in that case there is no obligation on the State to comply the order passed by the Hon'ble Supreme Court.

6. This Court is of the clear view that if the petitioners have filed their representation within one month, then in the light of order dated 06.11.2019 passed by this Court in CWJC No.19339 of 2019 petitioners have no case save and except that order should be passed by the State on their representation.

7. But in case, the petitioners has not filed representation within one month from the date of order passed by the Hon'ble Supreme Court then in that case, there is no case of the petitioners on the basis of decision made by the Hon'ble Supreme Court. From the pleadings of the present writ petition particularly paragraph-18, the counsel for the petitioners has not intimated that what is the date of representation.

8. In this Views of the matter, this Court finds



that there is no case of the petitioners, and, hence, this writ
petition is dismissed.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.12.2023
Transmission Date	NA

