

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1795 of 2018

In

Civil Writ Jurisdiction Case No.11430 of 2014

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1. Dusyant Kumar and Anr son of Late Bhuwaneshwar Nath, Resident of Village and P.O. Bara Kharauni, P.S.- Bihiya District- Bhojpur Pin 802166 Bihar
 2. Rajesh Kumar Pandey, Son of Chandra Bhushan Pandey, Resident of C/o R.B. Tripathi, Qtr. No. 08, Road No. 5 Near Sanjay Gandhi Stadium, P.S. Gardanibagh, District- Patna Bihar

... .. Appellant/s

Versus

1. The State Of Bihar and Ors
2. The Director General of Police, Bihar, Police Headquarters, Old Secretariat, Patna
3. The Bihar Staff Selection Commission, P.O. Veterinary College, Patna through its Secretary
4. The Secretary, Bihar Staff Selection Commission, P.O.- Veterinary College, Patna, District- Patna
5. The Chairman, Bihar Staff Selection Commission, P.O.- Veterinary College, Patna District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Harsh Singh, Advocate

For the Respondent/s : Mr. Saroj Kumar Sharma- AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 30-04-2024

In the instant appeal, appellants have assailed the order of the learned Single Judge dated 21.08.2018 passed in CWJC No.11430/2014. Pursuant to the advertisement issued in the year 2004 for the post of Sub-Inspector of Police, writ petition has been filed in the year 2014, the same has been taken note of by the learned Single Judge and proceeded to dismiss CWJC No.11430 of 2014.



2. Learned counsel for the appellants submitted that respondents should have apprised Hon'ble Supreme Court in the case of ***Civil Appeal No. 2795-2797 of 2017*** in the case of ***Chandra Gupta Kumar and Ors. Vs. State of Bihar and Ors.*** which was decided on 23.03.2017. The same was not taken note of by the learned Single Judge so as to grant relief as sought by the appellants in CWJC No. 11430/2014.

3. *Per contra*, learned counsel for the respondents resisted the aforementioned contention and submitted that there is no infirmity in the order of learned Single Judge dated 21.08.2018 passed in CWJC No. 11430/2014.

4. Heard the learned counsel for the respective parties in CWJC No.11430/2014, the appellants have sought for the following relief:-

“That this humble application for issuance of writ of mandamus or any other writ/writs directing the respondents to appoint the petitioners to the post of Sub-Inspector of Police in view of the appointment of 67 candidates under notification dated 16.05.2013 issued by the Joint Secretary, Department of Home, Government of Bihar.”

5. In other words, the appellants have no objection to proceed with advertisement issued in the year 2004 whereas the appellants are relying on Chandra Gupta Kumar and Ors. cited (supra) is in respect of certain objections filed by the candidates those petitioner's case was required to be considered in respect of their cases which were pending before the High Court or before the Hon'ble



Supreme Court. On the other hand, grievance of the appellants is for appointment on par with 67 candidates whose appointment were stated to have been issued on 16.05.2013. It is to be noted that if the appellants’ grievance is that they shall be appointed on par with the 67 candidates, in that event, it was bounden duty of the appellants to apprise this court to the extent of producing final select list so as to establish that pursuant to the select list the appellants have statutory right to claim against post of Sub-Inspector insofar as appointing them. The appellants have not produced copy of the final select list that apart they have not apprised this court what are their categories and what could be the cut of marks of their respective category. In the absence of these material information, the appellants’ grievance that they should be appointed on par with 67 candidates with reference to the notification dated 16.05.2013, in the year 2014 has not been made out by the appellant.

- 5. Accordingly, the present LPA stands dismissed.
- 6. Pending IA(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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AFR/NAFR	NAFR
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