

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5340 of 2020

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Ashwani Kumar Tiwari son of Ramadhar Tiwari, resident of village- Harpur
Kothi, P.s.- Janta Bazar, District- Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home,
Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Saran.
4. The Superintendent of Police, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Respondent/s : Mr.P.K.Verma (Aag3)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-06-2024 Heard counsel for the petitioner and Mr. Fazale

karim has assisted this Court on behalf of the State, though his
name is not present in the cause list but on the request of the
Court he has assisted this Court as counsel on record in not
present in the Court.

2. Learned counsel for the petitioner submits that
petitioner is entitled for the appointment in the light of the order
dated 11.09.2019 passed in writ petition Civil No. 1133/2019 on
the post of constable in Bihar Police Force against the
advertisement No. 02/2004. Further prayer has been made to
direct the respondent authorities to appoint the petitioner on the
post of constable in Bihar Police Force against the



advertisement no. 02/2004.

3. Counsel for the petitioner submits that petitioner has appeared in the appointment process in the light of the Advertisement No. 02/2004 and has earlier moved before this Hon'ble Court in C.W.J.C No. 5818/2013 in which final order has come on 29.04.2013, thereafter, the other similarly situated person has moved before the Hon'ble Supreme Court and certain observation has come in their case. Hence the petitioner has filed the present writ petition to consider his case for appointment.

4. Counsel for the State submits that Annexure-2 is the order passed in the case of the petitioner bearing C.W.J.C No. 5818/2013 dated 29.04.2013 in which categorical directed has been made in the case of the petitioner that exercise of filling up of remaining of 507 posts of constables, out of which 348 appointments have already been made, must be completed strictly on merit within a period of six months from today and thereafter, any of the 507 vacancies which could not be filled up on account on non-availability of the candidates of the respective category will be filled up only on the basis of a fresh advertisement. Counsel further submits that since in the case of the petitioner, a clear cut observations has been made before this



Hon’ble Court. Therefore, the petitioner has no remedy to file a fresh writ petition, as demanding such prayer shall be in contradiction with the order passed on 29.04.2023 passed in C.W.J.C. No. 5818 of 2023 (*Ashwinin Kumar Tiwari Vs. State of Bihar*).

5. In the light of the submissions made, it transpires to this Court that remedy for petitioner does not lie by way of filing the writ petition as the present writ petition is barred by the principles of res-judicate for the petitioner. Hence, this writ petition stands dismissed.

(Dr. Anshuman, J)

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