

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6428 of 2019

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Manoj Kumar S/o Arun Paswan, Resident of Village-P.O.-Bhaikh, P.S.-
Makhdumpur, District-Jehanabad, Bihar.

... .. Petitioner

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. The D.I.G., Patna, District- Patna.
4. The Commandant, Bihar Military Police-2 Company Dehri, Rohtas
(Sasaram)
5. The Chairman, Central Selection Board (Constable Recruitment), Bihar,
Patna
6. The Officer on Special Duty, Central Selection Board (Constable
Recruitment), Bihar, Patna
7. The Dy. S.P. (H.Q.) Cum Conducting Officer, Rohtas

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 2096 of 2018

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Ravindra Kumar S/o Suresh Sharma R/o- Village-Chalikako, P.O. and P.S. -
Kako, District - Jehanabad.

... .. Petitioner

Versus

1. The State Of Bihar.
2. The Director of General of Police, Bihar, Patna.
3. The Superintendent of Police, Bagaha.
4. The Chairman, Central Selection Board Constable Recruitment, Bihar,
Patna.
5. The Officer on Special Duty, the Selection Board Constable Recruitment,
Bihar, Patna.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 6535 of 2019

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Veer Kumar S/o Babulal Raut Resident of Village- Joghan Bigha, P.O.-
Pirbarona, P.S.- Daniawa, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, East Champaran.



4. The Chairman, Central Selection Board (Constable Recruitment), Bihar, Patna.
5. The Officer on Special Duty, Central Selection Board (Constable Recruitment), Bihar, Patna.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 6553 of 2019

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Hariom Kumar S/o Chhtrabali Paswan R/o Village-Harna, P.O.-Injore, P.S.-Rampur-Chouram, Distt-Arwal

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna
2. The Director General of Police Bihar at Patna
3. The D.I.G, W. Champaran District-West Champaran
4. The Superintendent of Police, Bagaha District-West Champaran
5. The Chairman Central Selection Board (Constable Recruitment), Bihar, Patna
6. The Officer on Special Duty Central Selection Board (Constable Recruitment), Bihar, Patna
7. SDPO-cum-Proceeding-In-Charge Officer Bagha, District-West Champaran

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 6573 of 2019

=====

Ranjit Kumar, Son of Devan Mahto, Resident of Village-Devghara, Chandra Tola, P.O.-Amarpur, P.S.-Medni Chauki, District-Lakhisarai

... .. Petitioner

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar at Patna.
3. The D.I.G. of Police, Muzzaffarpur, North Division, District-Muzzaffarpur.
4. The Commandant, B.M.P.-7, Katihar, District-Katihar
5. The Chairman, Central Selection Board (Constable Recruitment), Bihar, Patna.
6. The Officer on Special Duty, Central Selection Board, (Constable Recruitment), Bihar, Patna.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 6576 of 2019

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Prawin Kumar S/o Gajadhar Prasad Yadav Vill.- Mananiyatari, P.O.-
Maohurapur, P.s.- Kawakol, Distt.- Nawada

... .. Petitioner

Versus

1. The State of Bihar through the Home Secretary, Govt. of Bihar, Patna
2. The Director General of Police Bihar at Patna
3. The D.I.G. of Police Muzaffarpur, North Division, Distt.- Muzaffarpur
4. The Commandant B.M.P.-7, Katihar, Distt.- Katihar
5. The Chairman Central Selection Board (Constable Recruitment), Bihar, Patna
6. The Officer on Special Duty Central Selection Board, (Constable Recruitment), Bihar, Patna

... .. Respondents

with

Civil Writ Jurisdiction Case No. 6791 of 2019

Ranvir Kumar, Son of Yogendra Sahni, Resident of Village- Shaligrami, P.O.-
Shaligrami, P.S.- Sahebpur Kamal, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Home Secretary, Government of Bihar, Patna.
2. The Director General of Police Bihar at Patna.
3. The D.I.G. of Police Central Range, Patna, District- Patna.
4. The Superintendent of Police Nalanda, District- Nalanda.
5. The Chairman Central Selection Board (Constable Recruitment), Bihar, Patna.
6. The Officer on Special Duty Central Selection Board, (Constable Recruitment), Bihar, Patna.

... .. Respondents

Appearance :

(In Civil Writ Jurisdiction Case No. 6428 of 2019)

For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr.Ruchikar Jha, AC to SC-8
For the CSBC : Mr.Sanjay Pandey, Advocate
Mr.Binod Kumar Mishra, Advocate
Mr. Vivek Anand Amritesh, Advocate

(In Civil Writ Jurisdiction Case No. 2096 of 2018)

For the Petitioner/s : Mr.Sudhir Kumar Singh, Advocate
For the Respondent/s : Mr.Raghwanand, GA-11
Mr.Sanjay Kumar Tiwari, AC to GA-11

(In Civil Writ Jurisdiction Case No. 6535 of 2019)

For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr.Manish Kumar (GP-4)
For the CSBC : Mr.Sanjay Pandey, Advocate
Mr.Binod Kumar Mishra, Advocate



Mr. Vivek Anand Amritesh, Advocate

(In Civil Writ Jurisdiction Case No. 6553 of 2019)

For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate

For the Respondent/s : Mr.P. K. Verma (AAG-3)

(In Civil Writ Jurisdiction Case No. 6573 of 2019)

For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate

For the Respondent/s : Mr.Babita Kumari, AC to SC-1

For the CSBC : Mr.Sanjay Pandey, Advocate

Mr.Binod Kumar Mishra, Advocate

Mr. Vivek Anand Amritesh, Advocate

(In Civil Writ Jurisdiction Case No. 6576 of 2019)

For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate

For the Respondent/s : Mr.Babita Kumari, AC to SC-1

For the CSBC : Mr.Sanjay Pandey, Advocate

Mr.Binod Kumar Mishra, Advocate

Mr. Vivek Anand Amritesh, Advocate

(In Civil Writ Jurisdiction Case No. 6791 of 2019)

For the Petitioner/s : Mr.Binod Kumar Singh, Advocate

For the Respondent/s : Mr.Dhurendra Kumar, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

12 10-04-2023 In all these writ applications, the petitioners have questioned their dismissal from service. In the course of hearing, learned counsel for the petitioners in all these writ applications admits that the petitioners have earlier moved this Court in CWJC Nos. 2783 of 2018, 8099 of 2016, 2789 of 2018, 7094 of 2018, 2784 of 2018, 2785 of 2018 and 2786 of 2018 respectively. In the said cases, the writ applications suffered from certain defects and this Court has granted peremptory time to the petitioners to remove the defects but the defects were not removed as a result whereof all those writ applications stood dismissed in default.

It is further admitted that no step was taken on behalf of the petitioners to get restored those writ applications. The



writ applications were left dismissed for default. After about 5 months, fresh writ applications have been filed.

Learned counsel for the petitioners is unable to demonstrate as to why instead of removing the defects and/ getting the previous writ applications restored in accordance with the procedures and practice of this Court he chose to file fresh writ applications.

Learned counsel for the State submits that the Patna High Court Rules under Chapter IIIA provide the filing procedure under original or appellate or miscellaneous (civil/ criminal) jurisdiction or any other jurisdiction. It is submitted that the writ applications filed before this Court as per filing procedure are subjected to stamp reporting. In this regard, attention of this Court has been drawn towards Rule '7' wherein detailed procedures have been mentioned. Learned counsel submits that instead of following the rules, if the petitioners have indulged in filing fresh writ applications, it may be considered as an attempt to indulge in Bench hunting. It is submitted that any such attempt to file a writ application or any other proceeding in this Court avoiding compliances with the rules of the Patna High Court would be required to be discouraged.



Learned counsel for the petitioners submits that he had no intention to indulge in Bench hunting but then the fact remains that he has chosen to file fresh writ applications after about five months instead of complying with the requirements under rules wherein, the defects pointed out by the Stamp Reporter were required to be removed and the petitions were to be refiled.

Having regard to the submissions noted hereinabove, this Court is of the considered opinion that the Rules of the Patna High Court are meant to be obeyed. A deviation from the rules, if allowed casually would result in filing of the writ application by allowing the earlier writ applications to get dismissed for default. This is definitely one of the modes indicating indulgence of the petitioners in Bench hunting. This Court would discourage the same.

Rule 7 under Chapter IIIA of the Patna High Court Rules is reproduced hereunder:-

“7. (i) All proceedings shall then be subjected to stamp reporting as per requirement of respective nature of proceedings through centralized reporting section of the Registry.

(ii) If in course of and as a consequence of stamp reporting, any defect or deficiency is reported or pointed out, the matter shall be so reported as early as possible, but not later than 3 working days, in the form



as specified from time to time. In case the Stamp Reporter is unable to complete the stamp reporting within 3 days for want of relevant records or for any other reason, he shall complete the reporting within 15 days of filing of the proceedings, failing which the Stamp Reporter shall submit a report in form annexed to this Chapter as Appendix 'B' to the Joint Registrar (List) or such person as may be nominated by Registrar General for the said purpose, who shall enquire into the matter and complete the stamp reporting.

¹[(iii) In case of all proceedings which require stamp reporting, on defects being reported, the AOR will be notified as such by SMS and such notification be circulated through Web and Notice to Association.

(iv) In case, where case numbers are duly assigned at the time of filing, under proviso to Rule 5, and defects are so reported, the matter will be listed before Lawazima Board, which if so satisfied, upon objection to the stamp reporting by the AOR filing the proceedings, may over rule any defect or order for it to be ignored or may permit its rectification within four weeks without return of the pleadings/proceedings. Where defect(s) are incurable or still persist, it shall be listed before court for orders on office notes.

(v) In case, where only token number is assigned, and defects are so reported, the officer designated by the Registrar General, if so satisfied, upon objection to the stamp reporting by the AOR filing the proceedings, may over rule any defect or order for it to be ignored or may permit the return of the pleadings/proceedings for removal of defects and refiling within 4 weeks, with or without removing defects, subject to fresh

1. Subs. By C.S. No. 158, dt. 21.09.2016.



stamp reporting. If upon refiling, all defects are found not removed/cured, the pleadings/proceedings will then be listed before Lawazima Board for removal of defects within four weeks. If defect persists or is incurable then it will be numbered and listed before court for appropriate orders on office note.

(vi) Pleading/proceedings with token numbers remaining unattended for 4 weeks from the date of stamp reporting will be listed with defects, duly numbered before court for appropriate orders on office note.

(vii) Pleadings/proceedings with token number, refiled after expiry of 4 weeks but within 8 weeks of initial stamp reporting, after fresh stamp reporting, be listed with case number assigned before court for condonation of delay in refiling and acceptance with necessary orders for removal of defects.

(viii) Pleadings/proceedings with token number will not be accepted for refiling after 8 weeks of initial stamp reporting and the token number will be automatically cancelled/lapsed, unless on an application to the court, the court condones delay, for the reasons given by the AOR.]”

These writ applications are, therefore, dismissed for the reason that the petitioners have filed these writ applications by ignoring the compliances with the Patna High Court Rules in respect of the earlier writ applications. Implementation of the rules may sometimes cause hardship to the persons like the petitioners but then they have to blame themselves for inviting this hardship. At the same time, for this Court, this cannot be a



reason to allow breach of the rule and the practice of the Court.

These writ applications are, therefore, dismissed but with liberty to the petitioners to take steps for removal of the defects in the earlier writ petitions in accordance with the rules and practice of this Court and upon restoration of those applications, the matter may proceed.

(Rajeev Ranjan Prasad, J.)

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