

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8990 of 2018

1. Kumar Harsh Bardhan, Son of Kantesh KUMar Singh, Resident of Village-Malhipur, P.O.-Saligrami, P.S.-Sahebpur, Kamal, District-Begusarai, Pin-851217.
2. Anand KUMar, Son of Hari Shankar Sah, Resident of Village-Malhipur, P.O.-Saligrami, P.S.-Sahebpur, Kamal, District-Begusarai, Pin-851217.
3. Deepak KUMar, Son of Vijay Prasad Sah, Resident of Village-Kharhat, P.O.-Phulmalik, P.S.-Sahebpur Kamal, District-Begusarai Pin-851217.
4. Mukesh KUMar, Son of Nepal Mahto, Resident of Village P.O.-Chauki, P.S.-Sahebpur Kamal, District-Begusarai, Pin-851217.
5. Manish Kumar, Son of Umnesh Prasad Tanti, Resident of Village-Shaligrami, P.O.-Shaligrami, P.S.-Sahebpur Kamal, District-Begusarai, Pin-851217.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Home Department, New Delhi
2. Central Staff Selection Commission through its Chairman, Lodi Road, New Delhi.
3. The Additional Director General of Police, Central Reserve Police Force, Central Officer, Compound Block No.1, Lodhi Road, New Delhi.
4. The Deputy Director Staff Selection Commission, Central Region Lodhi Road. Allahabad-21102,

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Indrajit Kumar, Advocate
For the Respondent/s : Ms. Kanak Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 25-06-2024 Heard learned counsel for the petitioners and learned
counsel for the Union of India.

2. Learned counsel for the petitioners submits that the



petitioners have filed the present writ petition for a direction upon the respondents to appoint the petitioners as a constable in paramilitary force as per the advertisement dated 24.01.2015. The petitioners have further prayed for a direction to the respondents to give them the benefit of Naxal affected area in appointment as per the notification of selection and also to consider their case in the light of the cut-off marks stated in the letter dated 07.04.2016.

3. Learned counsel for the petitioners submits that the relief granted to the petitioners of CWJC No. 4547 of 2017 with analogous cases may be given to the present petitioners also as the grievance of the petitioners of the above-named writ petition and the present petitioners are identical. Learned counsel for the petitioners further submits that the above-mentioned writ petition has been disposed of with a specific finding and direction to the respondents to consider the claim of the writ petitioners for appointment on the post of constable against the mismatch/leftover vacancies within a period of 30 days from today, without restoring to the principle that since the writ petitioners have secured lower marks than the marks obtained by the last selected candidates, they cannot be appointed.

4. Learned counsel for the Union of India, on the



other hand, submits that against the judgement dated 05.04.2018 passed in CWJC No. 4547 of 2017 with analogous cases, the Union of India had preferred Special Leave to Appeal (C) No. 9211/2023 wherein the order has been passed as under : -

“2. Issue notice.

3. List the Special Leave Petition on 21 July 2023.

4. In the meantime, the Solicitor General appearing on behalf of the Union of India submits that the Union government would take steps to mention the proceedings which are pending in SPA 39 of 2023 before the Division Bench of the High Court of Uttarakhand so that a decision on merits in those proceedings is made available.

5. Since this Court is seized of the matter, the Patna High Court is requested to presently adjourn the hearing of the contempt proceedings, if any, to a date beyond the next date of listing before this Court.”

5. As such, no benefit can be granted to the petitioners on the basis of the said judgement dated 05.04.2018 passed in CWJC No. 4547 of 2017 till the final disposal of Special Leave to Appeal (C) No. 9211/2023.

6. In this view of the matter, this Court restrains itself from passing any order on merit, but dispose of this writ petition only granting liberty to the petitioners that after disposal of the



aforesaid Special Leave to Appeal (C) No. 9211/2023, they may move before the Court in future, if so advised.

7. With the aforesaid observation and direction, the writ petition stands disposed off.

(Dr. Anshuman, J)

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