

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.583 of 2022

In
Civil Writ Jurisdiction Case No.13840 of 2019

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1. Pradeep Kumar Mishra Son of Mainekar Mishra, Resident of Village- Raghunathpur (In front of State Bank of India), P.S.- Turkaulia, District- East Champaran.
 2. Hemant Kumar Singh Son of Suresh Prasad Singh, Resident of Village- Ashok Nagar, P.S.- Janki Nagar, District- Purnia.
 3. Mukesh Kumar Son of Ramdahin Singh, Resident of Village- Shahapur, P.S.- Tekari, District- Gaya.
 4. Vinod Paswan Son of Suraj Paswan, Resident of village- Saraiya, P.S.- Belsand, District- Sitamarhi.
 5. Naresh Kumar Son of Banarsi Ram, Resident of Village- Tarabagh Colony near Chhawani, P.S.- Bettiah, District- West Champaran at Bettiah.
 6. Arvind Kumar Anand Son of Bhagwat Prasad Singh, Resident of Village- Ward No. 2, Jamdar Tola, Bettiah, P.S.- Nagar Thana Bettiah Muffasil, District- West Champaran at Bettiah.
 7. Jyoti Shankar Prasad Son of Premchandra Prasad, Resident of Village- Rampurwa, P.S.- Mainatar, District- West Champarn at Bettiah.
 8. Satendra Kumar Son of Yogendra Ram, Resident of Village- Sisawa, P.S.- Shikarpur, District- West Champarn at Bettiah.
 9. Raj Kumar Son of Bishun Ram, Resident of Village- Ambedkar Colony, Baswaria Ward No. 31, Bettiah, P.S.- Shikarpur, District- West Champarn at Bettiah.
 10. Vyas Ram Son of Mukha Ram, Resident of Village- Diulia, P.S.- Inarwa, District- West Champarn at Bettiah.
 11. Nand Kishor Ram Son of Mukha Ram, Resident of Village- Diulia, P.S.- Inarwa, District- West Champarn at Bettiah.
 12. Arvind Kumar Son of Ramayan Prasad, Resident of Village- Rampurva, P.S.- Mainatar, District- West Champarn at Bettiah.
 13. Shiv Pujan Kumar Singh Son of Chhathu Rai, Resident of Village- Goithahan, P.S.- Harsidhi, District- East Champarn, Motihari.
 14. Om Prakash Sharma Son of Bhup Narayan Sharma, Resident of Village- Sharma Tola, P.S.- Govindganj, District- East Champarn, Motihari.
 15. Bhartendu Bosh Son of Deonandan Singh, Resident of Village- Arwal (Sipah), P.S.- Arwal, District- Arwal.
 16. Subodh Kumar Trivedi Son of Vijay Kumar Trivedi, Resident of Village- Ram Krishna Nagar, P.S.- Ram Krishna Nagar, District- Patna.
 17. Ravi Ranjan Kumar Son of Sri Ganesh Chandra Das, Resident of Village- Golghar Park Road, P.S.- Gandhi Maidan, District- Patna.

... .. Appellant/s

Versus



1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The Principal Secretary General Administration Department, Government of Bihar, Old Secretariat Building Patna.
3. The Principal Secretary Home Department, Government of Bihar, Old Secretariat Building Patna.
4. The Director General of Police, Bihar Old Secretariat Building Patna.
5. The Bihar Staff Selection Commission, Veterinary College, Patna, through its Secretary.
6. The Chairman, Bihar Staff Selection Commission, Veterinary Collage Patna.
7. Mukesh Kumar Son of Avinash Prasad Ambastha, Resident of Village- New Chandmari Chinwamniya road, P.S.- Motihar, District- East Champaran.
8. Yogendra Ram Son of Saklu Ram, Resident of Village- Devi Asthan, Narkatiyaganj, P.S.- Shikarpur, District- West Champarn at Bettiah.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Avinash, Advocate
For the Respondent/s : Mr. P.K. Verma, A.A.G.-3

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJIV ROY)
Date : 05-01-2024

Heard the parties.

2. The present appeal arises out of an order dated 23.09.2022 passed by the learned Single Judge in CWJC No. 13840 of 2019 by which the writ petition was dismissed taking into account the fact that in CWJC No. 535 of 2020 (disposed of on 05.07.2022), the said writ petition was dismissed considering the fact that the Hon'ble Apex Court in SLP (Civil No.) 2795-2797/2017 has restricted the relief in favour of only 133 persons.

3. The appellants claim themselves to be a



candidate to the post of Sub-Inspector of Police against the Advertisement No. 704 of 2004.

4. After several rounds of litigation, in contempt petition relating to **Arvind Kumar & Ors. vs Amir Subhani & Ors. as also Rajeev Kumar & Ors. vs Amir Subhani & Ors. [Contempt Petition (C) no. 1711/2018 and Contempt Petition (C) No (S). 1871-1875/2018 respectively]**], the Hon'ble Apex Court held after recording the fact that 133 candidates have been appointed and the order has been complied with by the State, dropped the contempt proceeding.

5. So far as the cases of other Intervenors/Applicants was/were concerned, the Hon'ble Supreme Court held that they are free to make representation appealing to the good conscience of the State of Bihar which shall consider and pass an appropriate order. While making observation, the Hon'ble Apex Court further clarified that even if their representations are rejected, it will not give rise to any proceedings/appeal in any of the Court.

6. Further, in **Civil Appeal No(s). 2795-2797/17 (Chandra Gupta Kumar & Ors. vs State of Bihar & Ors.)**, the Hon'ble Apex Court further made it clear that the registry shall not to entertain any petition/application relating to



the selection of Sub-Inspectors for the year 2004 without express permission of the Court and the review petition so filed was dismissed.

7. Following the said order, the CWJC No. 535 of 2020 was dismissed on 05.07.2022 by one of the learned Single Judge of the Patna High Court.

8. In the aforesaid background, the writ petition in question (CWJC No. 13840 of 2019) was taken up by learned Single Judge on 23.09.2022 and following order was passed:-

“Today being Friday, matters are being taken up through virtual mode as per current procedure for hearing.

The parties are in agreement that the present case is squarely covered by an order dated 05.07.2022 passed in CWJC No.535 of 2020, wherein taking note of the order passed in SL.P (Civil No.) 2795-2797/2017 of the Hon'ble Apex Court limiting relief in favour of 133 persons, the writ petition has been dismissed in the following terms:

"In view of the order of the Hon'ble Supreme Court limiting the relief to 133 persons, and no case having been made out by petitioners to claim appointment against advertisement No. 704



of 2004, there is no occasion for this Court to issue any direction for petitioners' appointment."

The instant application is, therefore, accordingly dismissed in the same terms as being devoid of merit."

9. The entire facts have been detailed out in the above paragraphs which takes us to only one conclusion; the appeal is without any merit and is fit to be dismissed.

10. The L.P.A. No. 583 of 2022 stands dismissed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Neha/-

AFR/NAFR	
CAV DATE	
Uploading Date	08.01.2024
Transmission Date	

