

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7952 of 2018

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1. Md. Asif Alam and Ors S/o Hasnain Khan, R/o Village- Kabirpur, P.S.- Lalmatia O.P. Nath Nagar, District- Bhagalpur.
 2. Deepak Kumar, S/o Late Siyakant Jha, R/o Village- Amghatta, P.S.- Dumara Court, District- Sitamarhi.
 3. Prahlad Kumar, S/o Ramanuj Prasad Singh, R/o Village- Nimi, P.S.- Shekhopur Sarai, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Secretary, Bihar Police Sub-Ordinate Service Commission, Danapur, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Avinash, Adv
For the Respondent/s	:	Mr.Md.N.H.Khan -Sc1 Mr. Md. Irshad, AC to SC-1
For the BPSSC	:	Mr. Sanjay Pandey, Adv Mr. Nishant Kumar, Jha, Adv

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 23-07-2024 Heard learned counsel for the petitioners, counsel for the State and counsel for Bihar Police Subordinate service commission (Hereinafter referred to as the “Commission”)

2. Learned counsel for the petitioners have filed the present writ application directing the respondent to providing the reservation for ex-service man 10% to 20% in the recruitment for the post of IIIrd and IV group in all services as per notification of Government along-with provision of P.S.T. and age relaxation of 57 years as per direction of Hon’ble Patna



High Court in C.W.J.C. No. 17161 of 2017.

3. Learned counsel for the petitioners submits that the petitioners may be granted liberty at least to represent before the respondent authorities in this matter.

4. Counsel for the Commission has filed separate counter affidavit in which it has been mentioned that the Bihar Police Subordinate Service Commission Act, 2016 has been enacted for the selection of candidates to the post of Class III employees of Home (police) Department and post of other department under the State Government. He submits that the Commission has to conduct the examination for selection of the candidate for the post of Sub-Inspector of Police and 18 other post.

5. The services of the Sub-Inspector has been guided by the Bihar Police Manual, 1978 and it has to be made by the direct recruitment only after receiving the requisition from the concerned department. Counsel further submits that the Advertisement No. 01 of 2017 has been published. The petitioner has sought relief on the basis of direction made in the writ petition passed in C.W.J.C. No. 17161 of 2017 which is with regard to Advertisement No. 01 of 2017. He submits that the entire process of appointment with regard to Advertisement



No. 01 of 2017 has already been completed and as such, no relief can be granted to the petitioner.

6. Counsel for the Commission further submits that till date there is no separate reservation guidelines for ex-serviceman, only age relaxation has to be granted in the form of relaxation. He further submits that Bihar Assistant General Cadre Rule, 2010 is not guided by Bihar Police Manual, 1978 therefore, on the basis of the same no relief could be granted.

7. Learned counsel for the State submits that the State Government after due consideration has taken a decision that benefit of ex-serviceman will be granted only in the form of age relaxation i.e. three years in addition to the period of service rendered by them in the defense service. He submits that the General Administrative Department, Bihar vide Letter No. 5374 dated 02.04.2013 is for grant of benefit of reservation admissible to the respective reservation category and there is no separate reservation policy as claimed 10% to 20% for ex-serviceman in the State Government service. Counsel further submits that in case of ***Sanjit Kumar Singh and Ors. Vs. the State of Bihar and Ors.*** passed in *C.W.J.C. No. 2457 of 2018* in which liberty was granted to the petitioners to approach the Government for readdressal of thier grievance. As such,



petitioners are not entitled for any relief.

8. Upon perusal of the document particularly the order passed in C.W.J.C. No. 17161 of 2017, it transpires to this Court that on the basis of said writ petition, no relief could be granted to the petitioner but so far as the case of ***Sanjit Kumar Singh and Ors. Vs. the State of Bihar and Ors.(Supra)*** the observation made by the Hon'ble Court is as follows:

Heard the parties.

In the present case, petitioner is seeking relief for reservation of Ex-Army man in the appointment of Sub-Inspector of Police having claimed that in other adjoining State and Para Military Forces the respective Government or the authority have made a provision for reservation of Ex-Army man but the State is only isolated State where such provision has not been granted to the Ex-Army man. The reservation of any class either vertical or horizontal reservation lies on the wisdom of legislative and executive of the State. The reservation is not a fundamental right but it is a privilege given to certain class of persons where legislative and executive feel that they are entitled for reservation as Article 15 and 16 of Constitution of India are enabling provision to make space for the reservation of any class. The petitioner, through its organization will be at liberty to approach to the Government for redressal of his grievance. With the aforesaid observation and direction this writ petition is disposed of.

“In the aforementioned case, the Hon'ble Court has only granted liberty to the petitioner to approach the Government for redressal of his grievances.



9. This Court is of the firm view that no relief could be granted from the Court to the petitioners in this matter and only remedy available to him is to approach to the State Government.

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

(Dr. Anshuman, J)

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