

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.53 of 2025
In
Civil Writ Jurisdiction Case No.3302 of 2020**

-
1. Rajiv Kumar S/o Late- Shivpukar Singh, R/o Mohalla Lakhibagh (Jayamati Bhawan), near Bulla Shahid, P.O. Buniyadganj, District - Gaya.
 2. Prem Shankar, S/o Dinesh Sharma, R/o village - Dundichak, P.O. Sirh, P.S. Atri, District - Gaya.
 3. Hari Shankar Singh, S/o Ranjeet Singh @ Ranjit Singh, R/o Village and P.O. Gaurichak, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Department, Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Government of Bihar, Patel Bhavan, Bailey Road, Patna.
3. The Chairman, Bihar Staff Selection Commission, P.O. Veterinary Collage, Bailey Road, Patna, Patna - 800014 (Bihar).
4. The Secretary, Bihar Staff Selection Commission, P.O. Veterinary Collage, Bailey Road, Patna, Patna - 800014 (Bihar).
5. Md. Nasim, S/o Md. Ahu Zafar Ansari, R/o Village - Goraul, P.S. C roraul, District - Vaishali, Bihar.
6. Umesh Kumar Roy, S/o Ram Briksh Roy, R/o vill- Tarwan Mangarpal, via- Sonepur, P.S. Dariyapur, District - Saran, Bihar.
7. Ravi Prakash S/o Birendra Kumar Singh, R/o Near Chandmari, Motihari, District - East Champaran, Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. R.K.Sharma, Advocate Mr. Dinkar Kumar, Advocate
For the BSSC	:	Mr. Satyabir Bharti, Sr. Advocate Ms. Kanupriya, Advocate Mr. Abhishek Anand, Advocate
For the State	:	Mr. Sanjay Kumar Ghosarvey, AC to AAG- 3

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 07-04-2025



Re: I.A. No.1 of 2025

The learned Advocate for the appellant/ applicant presses I.A. No. 1 of 2025 for condoning the delay of 11 days in preferring this appeal.

2. For the reasons stated in the application, the delay of 11 days in preferring this appeal is condoned.

3. I.A. No. 1 of 2025 stands allowed.

Re: L.P.A. No. 53 of 2025

4. Heard Mr. R.K. Sharma, the learned Advocate for the appellants, Mr. Satyabir Bharti, the learned Senior Advocate for the Bihar Staff Selection Commission and Mr. Sanjay Kumar Ghosarvey, the learned Advocate appearing for the State.

5. By Advertisement No.704 of 2004, applications were invited for filling up the post of 1510 Sub-Inspectors. The recruitment process was taken to a logical conclusion but 299 posts remained vacant. Some of the unsuccessful candidates had approached the Supreme Court and in one such petition before the Supreme Court, a direction was



issued that a fresh advertisement be issued inviting applications from the applicants of the advertisement of 2004, who would be subjected to physical test and would be taken in service if they qualify otherwise.

6. Pursuant to such an order, another advertisement No. 511 of 2011 was taken out in which only 93 persons were recommended.

7. Some seats still remained vacant. Thereafter, some of the unsuccessful candidates in the second round went before the Supreme Court in contempt jurisdiction, wherein it was decided that their candidature will be considered afresh and they will be subjected to physical test and would be taken into the service.

8. The appellants/writ petitioners were excluded from consideration for the reason that they have not passed the written examination. They had also approached the Supreme Court in the contempt jurisdiction when it was found that such jurisdiction of the Supreme Court could not be invoked in view of the fact that the appellants/writ



petitioners were ousted from consideration only for the reason that they had not passed the written examination.

9. However, the Supreme Court permitted the appellants/ writ petitioners to approach the appropriate forum for the needful.

10. This strengthened the appellants/writ petitioners to come up before this Court vide CWJC No.3302 of 2020 seeking a direction to the Staff Selection Commission of the State of Bihar to appoint them as Sub-Inspectors.

11. The learned Single Judge vide his judgment dated 02.12.2024, after going through the entire gamut of facts, found that the writ petitioners/appellants could not have been appointed for the reason that they had failed in the written test and the process of recruitment had started in the year 2004.

12. We have no reasons to interfere with the judgment dated 02.12.2024. The process of recruitment started in the year 2004. Under the directions of the



Supreme court, many applicants were subjected to physical test again. However, in the event of the appellants having failed in the written test, no right accrued to them to be considered for appointment to the post of Sub-Inspector.

13. In similar circumstances, cases of some of the aspirants were rejected by a learned Single Judge of this Court in a batch of writ petitions, the lead case being **CWJC No. 6173 of 2019 (Santosh Kumar & Ors. vs. The State of Bihar & Ors.)** against which the appeal and the SLP also have been dismissed.

14. There is no merit in this appeal.

15. The appeal stands dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Bibhash/Rajesh

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	8.4.2025
Transmission Date	NA

