

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.167 of 2022

In
Civil Writ Jurisdiction Case No.13317 of 2017

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1. Sanjay Pandey Son of Late Babulal Pandey Resident of Village- Saipur, Sai Chhapra, P.S.- Sishwan, District- Siwan, Bihar.
 2. Shailesh Kumar Singh Son of Ram Bachan Singh Resident of Village- Panchina Naya Mohammadpur, P.S.- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. Subhani, the Chief Secetary, Government of Bihar, Patna.
2. Mr. Kripa Swaroop Dwivedy, the Chairman, Central Selection Board (Constable Recruitment) Sardar Patel Bhawan, Jawahar Lal Nehru Marg, Bihar, Patna.
3. N/A, The Secretary, Central Selection Board (Constable Recruitment) Sardar Patel Bhawan, Jawahar Lal Nehru Marg, Bihar, Patna.
4. Mr. B. Kartikeya Dhanki, The Commissioner, Department of Excise, Government of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate
For the State	:	A.C. to A.G.
For the C.S.B.C.	:	Mr. Sanjay Pandey, Advocate
		Mr. Binod Kumar Mishra, Advocate
		Mr. Vivek Anand Amritesh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 05-02-2025 Heard learned counsel for the parties.

2. The present contempt application is filed for non-compliance of the order dated 12.07.2021 passed in C.W.J.C. No. 13317 of 2017 by a co-ordinate Bench of this Court and the same was disposed of with a direction to the Central Selection Board, which is quoted hereinbelow:

“In the aforesaid circumstances, the



writ petition is disposed of with a direction to the Central Selection Board to consider the case of the petitioners, if vacancy exists against the post advertised vide advertisement No. 1 of 2015. In the event there is no vacancy, the respondents will take appropriate decision in the light of Annexures 9 and 10 in connection with future vacancy and consider the candidature of the petitioners and alike in case of future vacancy.”

3. A show cause has been filed on behalf of O.P. Nos. 2 and 3 and in para 19, it is mentioned that in view of the order dated 10.04.2023 passed in the instant contempt application, it is stated that out of 831 total posts of Excise Constables, 25% posts were reserved for Ex-Army men i.e. 206 posts (Gen-97, SC-33, ST-02, EBC-44, BC-23, BC(women)-07). Against 206 posts, 759 candidates of Ex Army men were called for screening test in which 645 candidates appeared. After examining their eligibility and verification of their Ex Army men certificates, education, age and reservation category etc., 390 candidates were found fit in the said category in which no woman candidate was there. As per vacancies 155 candidates were selected merit wise and category wise out of 390 candidates. Total 97 posts of General category and 23 posts of BC category



were filled up by the Ex Army men of the said categories. After selection in Ex Army men quota due to unavailability of suitable candidates 27 posts in SC category, 2 posts in ST category, 15 posts in EBC category and 7 posts in BC women category, total 51 posts remained unfilled which is evident from point 6 at page no. 1 of the final result and remaining 51 vacancies were filled up by non Ex Army men as per their reservation categories. It is further submitted that in complinace of the order dated 12.07.2021 passed in C.W.J.C. No.13317 of 2017, the Board duly considered the representation of the petitioners and rejected the same by a reasoned and speaking order, as contained in Memo No.328 dated 11.04.2023, Annexure-E to the show cause.

4. After hearing the parties and on perusal of records, in my view, as the order has already been complied with no case is made out to initiate contempt proceedings.

5. Accordingly, this contempt application stands disposed of with a liberty to the petitioners to challenge the reasoned order passed by O.P. No. 2.

(Anjani Kumar Sharan, J)

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