

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15103 of 2013

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Amrendra Kumar S/O Ram Chandra Rai, Resident of Village- Bahadurpur,
Ward No. 27, P.S.- Samastipur, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna
3. The Home Commissioner, Bihar, Patna
4. The Principal Secretary, Personnel and Administrative Reforms Department,
Govt. of Bihar, Patna
5. The Bihar Staff Selection Commission, Through Its Secretary, Patna
6. The Chairman, Bihar Staff Selection Commission, Patna-14

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sita Ram Yadav, Advocate Mr. Rakesh Kumar Shrivastava, Advocate
For the State	:	Mr. Subhash Pd. Singh, GA-3
For the BSSC	:	Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 13-10-2025

1. Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application
praying for a direction to the respondents especially the Bihar
Staff Selection Commission (in short 'the Commission') to
recommend the name of the petitioner for appointment on the
post of Sub-Inspector of Police in light of the order passed by
this Court in LPA no.416 of 2009 as well as CWJC no.13984 of



2011. The petitioner has further prayed for a direction to the respondent nos.1 to 4 to appoint the petitioner on the post of Sub-Inspector of Police treating him in the OBC category as the petitioner has submitted the requisite certificates showing him belonging to OBC category and not belonging to creamy layer.

3. The case of the petitioner in brief is that pursuant to the respondents coming out with an Advertisement no.704 of 2004 for appointment on the post of Sub-Inspector of Police, the petitioner filed his application claiming reservation in the BC category. He was allotted Roll no.D02053 and was declared successful in the physical test.

4. It is the case of the petitioner that subsequently the Commission issued information in the newspaper directing the candidates who were successful in the physical test to purchase 'OMR' (Optical Mark Recognition) sheet and to submit the same. It is the case of the petitioner that he purchased the OMR sheet, filled it up and attaching the relevant documents submitted the same to the authorities which was accepted by the Commission. It is the case of the petitioner that as the certificate that the petitioner does not belong to creamy layer (in short 'the creamy layer certificate') was not issued by the Collector, he submitted the caste and creamy layer certificate issued by the



SDO, Samastipur.

5. An admit card was issued in favour of the petitioner and the petitioner appeared in the written test conducted. However, in the result published on 30.5.2008, the roll number of the petitioner did not figure. It is the case of the petitioner that pursuant to some applications having been filed in the High Court another result was published in the newspaper on 1.2.2009 wherein once again, the roll number of the petitioner did not figure. As per the petitioner's case, though the petitioner had secured 227.24 marks which was higher than the cut-off marks for his category which was 223.26, it is submitted that the petitioner had been wrongly not recommended by the Commission.

6. Several candidates filed different cases in the Patna High Court and on orders being passed, appeals were preferred finally leading to order dated 21.4.2011 being passed in LPA no.416 of 2009.

7. Learned counsel for the petitioner submits that the Division Bench of this Court held in its order dated 21.4.2011 (Annexure-3) that as per the terms of the advertisement the appellants/candidates should have been given the opportunity to submit their required certificates during the process of



appointment. It accordingly set aside the order of the learned Single Judge and directed the respondents to accommodate the appellants/candidates in their respective places, however making it clear that the appellants/candidates will have to submit the relevant certificates duly issued by the District Magistrate or if it is issued by the SDO, the same should be countersigned by the concerned District Magistrate within the time stipulated by the respondents.

8. Learned counsel for the petitioner submits that the petitioner should also be given similar opportunity and that this Court by its order dated 20.8.2025 passed in CWJC no.2372 of 2023 has directed the respondents to give appointment to the 186 petitioners therein on the post of Sub-Inspector under Advertisement no.704 of 2004, if they are found medically fit. As such, it is prayed that similar directions be issued in the case of the petitioner herein.

9. In response, it is submitted by learned counsel for the respondents that so far as the petitioner is concerned, he did not submit his creamy layer certificate and therefore his candidature was not considered under the reserved category. Further reference has been made to the order dated 14.9.2017 passed in Civil Appeal no.2795-2797 of 2017 and other cases



wherein the Hon'ble Supreme Court directed that the Registry shall not entertain any petition/application, either impleadment or reopening or review in respect of the selection of Sub-Inspectors for the year 2004, without express permission from the Court. It is further submitted that in another case by its order dated 1.11.2018 passed in Contempt Pet. (C) no.1711 of 2018 and other cases the Hon'ble Supreme Court while observing that the applicants are free to make representations appealing to the good conscience of the State of Bihar and that the State of Bihar was free to consider the same and pass appropriate orders in accordance with law, it was observed that in case the representations are rejected, the same will not give rise to any proceedings/appeals in any of the Courts.

10. It is thus submitted by learned counsel appearing for the respondents that the matter being stale relating to an appointment arising out of an advertisement of the year 2004 and the specific case of the respondents that the petitioner had not submitted his certificate of not belonging to the creamy layer, no relief be granted in the instant application and the same be dismissed.

11. Heard learned counsel for the parties and perused the material on record.



12. The matter in the instant application relates to appointment on the post of Sub-Inspector of Police in view of the Advertisement no.704 of 2004. Even as per the case of the petitioner, though he submitted all the relevant documents along with the OMR sheet as permitted by order dated 21.4.2011 passed in LPA no.416 of 2009, he could not submit the caste and creamy layer certificate of the Collector as the same was not issued but only submitted the caste and creamy layer certificate issued by the SDO, Samastipur.

13. It further transpires from the records of the case that the petitioner submitted his caste certificate (Annexure-5) showing him not to belong to the creamy layer issued by the District Magistrate only after 22.7.2010. It further transpires from the contents of the counter affidavit filed on behalf of the respondent-Commission that the petitioner not having submitted the certificate of his not belonging to creamy layer, his candidature could not be considered under the reserved category. This statement made in the counter affidavit filed by the Commission has not been controverted by the petitioner inspite of a copy of the same having been served on learned counsel for the petitioner on 3.5.2024.

14. In addition to the above, the Court finds that



relying on a coordinate Bench decision of this Court, the writ application filed by eight petitioners was dismissed vide order dated 23.2.2021 passed in CWJC no.12804 of 2019. The order dated 23.2.2021 is reproduced herein below for ready reference :-

“The issue raised in the present writ application was also the subject matter of C.W.J.C. No. 5424 of 2019 and C.W.J.C. No. 424 of 2019 and vide order dated 11.04.2019, a co-ordinate Bench of this Court has dismissed the said writ application. The relevant paragraphs of the order is quoted hereinbelow:-

“4. The petitioners have approached this Court for a direction to the respondent authorities to appoint them on the post of Sub-Inspectors in Bihar Police after exempting them from PET test against an advertisement which was issued in the year 2004 by the Bihar Staff Selection Commission, Patna.

5. Similar such matters were decided by this Court and by order dated 02.04.2019, this Court, taking into account the orders passed by the Hon’ble Supreme Court in various petitions as also Contempt Petition (C) No. 1711 of 2018, dismissed such petitions on the ground of the matter being stale and the selection process as against the advertisement of 2004 having been completed a long time ago.

6. Mr. Nilendu Kumar Choudhary,



learned counsel for the petitioners however taking exception to the observations made in the order dated 02.04.2019 passed in C.W.J.C. No. 5186 of 2019, which has been referred to in the preceding paragraph, has stated and informed this Court that even after the aforesaid direction of the Supreme Court on 01.11.2018 directing that in case of refusal of the State Government to accede to the request of the petitioners therein, they would have no further right to agitate their claim before any Court, the Hon'ble Supreme Court has, in two matters, entertained such petitions. In one such case, an order was passed directing the petitioner therein to withdraw the writ petition from the High Court. In the other case, which has been entertained by the Supreme Court after the order dated 01.11.2018, notices have been issued to the Commission.

7. In any view of the matter, considering the fact that the issue now stands closed with the selection process having been completed long time back, this Court is not inclined to entertain such petitions seeking appointment on the post of Sub-Inspectors against the advertisement of the year 2004."

In order to maintain consistency, the present writ petition is also dismissed in similar terms."

15. In view of the facts and circumstances stated here in above, the matter relating to an appointment against an



advertisement of the year 2004 together with the statement made in the counter affidavit filed by the respondents not having been rebutted by the petitioner, the Court finds no merit in the instant application.

16. The application is dismissed.

(Partha Sarthy, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.10.2025
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