

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13169 of 2025

1. Om Prakash S/o Rajendra Prasad, Resident of Mohalla- Chandpur Bela, Shivpath, PS- Jakkanpur, PO- GPO, District- Patna.
2. Amit Kumar S/o Sri Indu Bhushan Prasad, Resident of Village- Maksudpur, PS and PO- Fatuha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Transport (Enforcement Branch), Patna.
2. The Chairman, Bihar Staff Selection Commission, Veterinary College, Patna-4.
3. The Secretary, The Chairman, Bihar Staff Selection Commission, Veterinary College, Patna.
4. Vikash Kumar Roll no. 128257, father's name and address not known to the petitioners.
5. Gopal Mishra Roll no. 136943, father's name and address not known to the petitioners.
6. Raju Ranjan, Roll no. 117559, father's name and address not known to the petitioners.
7. Shri Pankaj Roll no. 127393, father's name and address not known to the petitioners.
8. Anjani Kumar Pathak Roll no. 121610, father's name and address not known to the petitioners.
9. Pramod Bharti, Roll no. 132507, father's name and address not known to the petitioners.
10. Lalit Kumar Dubey, Roll no. 134177, father's name and address not known to the petitioners.
11. Amrendra Kumar, Roll no. 116748, father's name and address not known to the petitioners.
12. Arun Kumar, Roll no. 103838, father's name and address not known to the petitioners.
13. Santosh Kumar, Roll no. 139136, father's name and address not known to the petitioners.
14. Shiv Kumar, Roll no. 109523, father's name and address not known to the petitioners.
15. Ashok Kumar Paswan, Roll no. 113116, father's name and address not known to the petitioners.
16. Vibha Kumari, Roll no. 124957, father's name and address not known to the petitioners.
17. Hemant Kumar Prasad, Roll no. 121035, father's name and address not known to the petitioners.



18. Yogendra Prasad, Roll no. 136019, father's name and address not known to the petitioners.
19. Manoj Kumar, Roll no. 134155, father's name and address not known to the petitioners.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv
For the BSSC : Mr. Satyabir Bharti, Sr. Adv
Ms. Kanupriya, Adv
Mr. Abhishek Anand, Adv

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 19-09-2025 Heard learned counsel for the petitioners and learned

Senior Counsel for the Bihar Staff Selection Commission

(Respondent Nos. 2 and 3).

2. In the present petition, the petitioners have prayed
for the grant of following reliefs:

“(i). *For issuance of an appropriate writ/s, order/s, direction/s commanding the respondents to appoint the petitioners on the post of Enforcement Sub-Inspector in the Transport Department pursuant to advertisement No. 1004 dated 17.12.2004 which was published under the Bihar Transport (Enforcement Branch) Cadre Rules 2003.*

(ii). *For issuance of an appropriate writ/s, order/s, direction/s commanding the respondents for setting aside the final result of the candidates in the examination of Enforcement Sub Inspector*



published under Memo No. 428A dated 04.02.2013 by respondent No. 3 whereby and whereunder the interview marks given to the respective selected candidates are more than Interview marks fixed for Interview (in place of 20 marks more than 20 marks were given) as is evident from the order dated 24.11.2015 passed by Hon'ble Division Bench of the Hon'ble High Court in L.PA. No. 249/2014,

(iii). For issuance of an appropriate writ/s, order/s, direction/s commanding the respondents to terminate the services of such candidates who have obtained 20 or more than 20 marks i.e. up to 22 marks in Interview on the basis of that excess marks, they have finally been selected and at present working as Enforcement Sub Inspector at various places to the detriment of the petitioners who though were qualified but were elbowed out from the selection due to wrong marking in interview.

(iv). For issuance of an appropriate writ/s, order/s, direction/s for holding inquiry with regard to the illegality committed in appointment of Enforcement Sub-Inspector pursuant to advertisement no. 1004 in light of order dated 08.04.2024 passed in MJC No. 910/2021 (Modification) filed by the Commission.



(v). To pass such other order/orders as your lordships may deem fit and proper in the fact and circumstances of the case.”

3. Earlier for seeking the same relief, the petitioners and similarly situated persons had filed various writ applications which was dismissed vide judgment and order dated 13.12.2013 passed in C.W.J.C. No. 141 of 2013 and analogous cases. As against this judgment and order dated 13.12.2013, the petitioner had filed an LPA No. 249 of 2014 which was also heard and dismissed on 24.11.2015. It is informed that as against this order passed in LPA No. 249 of 2014, the petitioners had preferred a SLP before the Hon'ble Apex Court which also stands dismissed. Thereafter, the petitioners again filed another writ application bearing C.W.J.C. No. 9067 of 2019 for the same relief which was again dismissed on 18.02.2020. As against this order dated 18.02.2020 passed in C.W.J.C. No. 9067 of 2019, the petitioners had also preferred a civil review application bearing Civil Review No. 30 of 2021 which was also dismissed with cost of Rs. 5,000/- by order dated 07.12.2022.

4. Learned counsel for the petitioners submits that the Bihar Staff Selection Commission had filed MJC No. 910 of 2021 for modification of the total marks in the interview stating



that inadvertently, it was said to be 20 whereas it should have been 25 but the same was not accepted and vide order dated 08.04.2024, MJC No. 910 of 2021 was dismissed.

5. The issues raised in the present writ application stands concluded by judgment and order dated 13.12.2013 passed in C.W.J.C. No. 141 of 2013 and analogous cases and the same also stands confirmed by judgment dated 24.11.2015 passed in LPA No. 249 of 2014. Both these orders further stand confirmed by dismissal of SLP which is said to have been filed by the petitioners challenging these two orders. In such circumstances, the filing of the present writ application is completely misconceived as the issues involved have already been decided and are now barred by *res judicata*.

6. Under the aforesaid facts and circumstances, the present writ application stands dismissed with cost of Rs. 10,000/- to be deposited before the Patna High Court Legal Services Committee.

(Alok Kumar Sinha, J)

kiran/-

U			
---	--	--	--

