

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1396 of 2019

In
Civil Writ Jurisdiction Case No.613 of 2019

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Bipin Kumar Patel Son of Sri Shambhu Nath Patel Resident of Village-
Singaila, P.S. Malipur, Distt.-Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Chairman, Bihar Police Subordinate Service, Commission, Bihar, Patna.
4. The Bihar Police Subordinate Service, Commission through its Secretary.
5. The Secretary Bihar Police Sub Ordinate Service, Commission Bihar, Patna.
6. Suman Kumari D/o Sri Dhariikshan Paswan R/o Village - Ward No. 8, Jetaria Paswan Tola, P.S. Tetaria, Dist. East Champaran.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Awadhesh Kumar Mishra, Advocate. Ms. Pragati Singh, Advocate. Mr. Mritunjay Kumar, Advocate. Mr. Ujjwal Kumar, Advocate.
For the State	:	Mr. Saroj Kumar Sharma, A.C. to A.A.G-3
For the B.P.S.S.C.	:	Mr. Kunal Tiwary, Advocate.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 17-01-2025

Appellant Bipin Kumar Patel and Suman Kumari were candidates for selection and appointment to the post of Police Sub Inspector, pursuant to the advertisement issued in the year 2017 by the respondents-Commission. They were non-suited on certain physical standard, resultantly, they have invoked remedy before this Court by filing C.W.J.C. No. 613 of



2019. The learned Single Judge rejected writ petition in the light of a decision passed in **L.P.A No. 895 of 2014 (Ritu Kumari vs. The State of Bihar & Ors.)** and also on the issue that High Court has no jurisdiction insofar as redressing the grievance of the appellant Bipin Kumar Patel and Suman Kumari.

2. Feeling aggrieved by the order of the learned Single Judge dated 26.09.2019, appellant Bipin Kumar Patel has filed the present L.P.A.

3. No doubt, learned Single Judge has committed error insofar as non-entertaining writ petition with reference to selection and appointment to the post of Police Sub Inspector read with the fact that appellant Bipin Kumar Patel and Suman Kumari were non-suited for the selection and appointment to the post of Police Sub Inspector with reference to certain physical standard in view of the fact that selecting and appointing authority fall under Article 12 of the Constitution of India and the subject matter of post is public post-Government Servant.

4. Perusal of the records read with the relief sought in the writ petition, it is evident that appellant-Bipin Kumar Patel has not assailed the decision of the respondents-Commission or competent authority insofar as declaring that Bipin Kumar Patel was non-suited on account of physical standard (in height



measurement). In the absence of challenge to the decision of the respondents-Commission insofar as non-suiting the appellant for the post of Police Sub Inspector, he cannot seek a writ of mandamus to consider his case with a direction to re-measurement of the height of the appellant afresh. In other words, whatever the decision taken by the respondents-Commission that is intact even to this date. Therefore, the appellant has not made out a case on merits.

5. Accordingly, the present L.P.A. stands dismissed.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

Rakhi/Siwani/-

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CAV DATE	N.A.
Uploading Date	
Transmission Date	

