

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5725 of 2026

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Jitendra Kumar Gupta Son of Santan Prasad Gupta, Resident of village-
Imamganj, Police Station-Imamganj, District- Gaya. Roll No.- G09244,
Category- BC Marks- 201.81.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Home Department, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Inspector General, Headquarter, Patna, Bihar.
5. The Bihar Staff Selection Commission through its Secretary, Bailey Road,
P.O.- Veterinary College Campus, Sheikhpura, Patna- 14.
6. The Chairman, Bihar Staff Selection Commission, Bailey Road, P.O.-
Veterinary College Campus, Sheikhpura, Patna- 14.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nilendu Kumar Choudhary, Advocate
For the State	:	Mr. Standing Counsel (9)
For the BSSC	:	Mr. Satyabir Bharti, Sr. Advocate
		Ms. Astha Prakash, Advocate
		Ms. Kanupriya, Advocate
		Mr. Abhishek Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-04-2026 Heard learned counsel for the petitioner, learned

counsel for the State and learned Senior counsel for the Bihar

Staff Selection Commission (B.S.S.C).

2. The present writ petition has been filed for the

following relief/s:-

*“I. To issue an appropriate writ, order,
direction in the nature of mandamus to direct
the respondent authorities to give the benefit
of right of equality to the petitioner taking into*



consideration the order passed by the Hon'ble Supreme Court on 14.09.2017 in C.A. No. 2795-2797 of 2017 through which 133 candidates who have been qualified in physical test for the Sub Inspector Recruitment exam conducted by the Staff Selection Commission, Bihar through Advt. No. 704 of 2004 were directed to be appointed after medical examination like other candidates with the direction of the Hon'ble Supreme Court and further 252 candidates has also been directed to be appointed after medical examination as per the direction passed by this Hon'ble Court in C.W.J.C. No.- 2372 of 2023 and other analogous cases.

II. For issuance of direction to the Respondent authorities to appoint the petitioner on the post of Sub Inspector as similarly situated 133 candidates have already joined.

III. To direct the Respondent Authorities to appoint the petitioner on the post of Sub Inspector as several candidates have obtained less marks than the petitioner have already been appointed.

IV. And/or for any other relief or reliefs to which the petitioner may be found entitled to in course of hearing of this writ application.”

3. The issue involved in the present writ petition is



identical to that of C.W.J.C. No. 5760 of 2026 & C.W.J.C. No. 5776 of 2026.

4. Learned counsel for the petitioner submits that *vide* order dated 30.10.2025 in L.P.A. No. 998 of 2025 arising out of C.W.J.C. No. 2372 of 2023 (The State of Bihar through the Chief Secretary & Ors. Vs. Santosh Kumar & Ors.), particularly para 7, it has been observed by the Hon'ble Division Bench of this Court that "*either of the parties will be at liberty to intimate the Writ Court regarding the present appeal pending before this Court.*"

5. Learned counsel appearing for the BSSC, on the other hand, submits that the Hon'ble Supreme Court of India in Contempt Petition (C) No. 1711 of 2018 dated 01.11.2018 has specifically observed that those who moved I.A are free to make representations appealing to the good conscience of the State of Bihar. It was further directed that the State of Bihar is free to consider the case and pass appropriate order in accordance with law. In case, such representations are made by the intervenors/applicants within one month from today, appropriate orders may be passed by the State on those representations within three months thereafter. However, the Hon'ble Supreme Court of India further clarified that even if their representations



are rejected, it will not give rise to any proceedings/appeal in any of the Courts. With the said direction, the I.A.s were disposed of.

6. After hearing the parties, it transpires to this Court that the petitioners of all the three writ petitions i.e. the present C.W.J.C. No. 5725 of 2026, C.W.J.C. No. 5760 of 2026 & C.W.J.C. No. 5776 of 2026, are taking benefits with regard to the order in Contempt Petition (C) No. 1711 of 2018 in Contempt Petition (C) No. 22/2018 in C.A. No. 2805 of 2017 with Contempt Petition (C) No. 1871-1875/2018 in Contempt Petition (C) No. 14-18/2018 in C.A. No. 2806-2810/2017. The operative part of the order states as follows:-

“...Mr. S. Nagamuthu, learned senior counsel, and other counsel appearing for some of the intervenors/applicants, pray for the same relief which is granted to 133 candidates.

The said applicants are free to make representations appealing to the good conscience of the State of Bihar. The State of Bihar is free to consider the same and pass appropriate orders in accordance with law. In case such representations are made by the intervenors/applicants within one month from today, appropriate orders may be passed by the state on those representations within three months thereafter.



However, we make it clear that even if their representations are rejected, it will not give rise to any proceedings/appeal in any of the Courts.

Any representations already filed shall also been disposed of within four months from today.”

7. This Court upon perusal of the observation made by the Hon’ble Supreme Court of India is very much restricted his relief for 133 candidates. Upon perusal of the record, it transpires to this Court that the petitioner is not among those candidates who comes within the purview of 133. It is true that in L.P.A. 998 of 2025 arising out of C.W.J.C. No. 2372 of 2023, the Hon’ble Division Bench of this Court has pleased to observed in para 6, 7 & 8 that:-

“6. With regard to similar issue, other Writ Petitions are also being filled.

7. Either of the parties will be at liberty to intimate the Writ Court regarding the present appeal pending before this Court.

8. List this appeal on 27.11.2025 under the heading “For Admission” along with LPA Nos. 988 of 2025, 1022 of 2025 and 1028 of 2025, if they are defect free.”

8. After perusal of the entire matters, this Court is of



the firm view that on the day 30.10.2025 the present writ petition was not pending and therefore, the observations made in the L.P.A. 998 of 2025 was made only for those writ petitions which were pending.

9. Therefore, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition stands dismissed.

(Dr. Anshuman, J)

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