

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17950 of 2023

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Akhilesh Kumar Singh Son of Bachu Singh Resident of Village- Chanda,
P.S.- Athmalgola, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, Bihar, Patna.
4. The Superintendent of Police, Bihar, Patna.
5. The Superintendent of Police, Nalanda.
6. The Superintendent of Police, Darbhanga.
7. The Superintendent of Police, Samastipur.
8. The Superintendent of Police, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Lal Babu Singh, Advocate
For the Respondent/s	:	Mr. Md. Irshad, AC to SC-1
	:	Mr. Md. Harun Quairaishi, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL JUDGMENT

Date : 13-02-2026

Heard the parties.

2. The present writ petition has been filed for commanding the respondent authorities to appoint/select the petitioner on the post of Constable, as he is a successful candidate in the physical test and fulfills the eligibility criteria.

3. The learned counsel for the petitioner submits that vide advertisement no. 01/2004, applications were invited from eligible candidates for being appointed to the post of Constables in District Police for all the districts within the State of Bihar



and the total number of vacancies advertised was 5742. The petitioner being eligible for the aforesaid post submitted his application and thereafter an advertisement was published in Hindi daily newspaper Dainik Jagran on 19.03.2016, disclosing that the physical test measurement along with Roll Number Was provided in the advertisement. The petitioner appeared in the physical test and was declared pass but the result was never published nor any individual communication was made in this regard. It is the case of the petitioner that despite having passed the examination, the petitioner has not been appointed till date.

4. A counter affidavit has been filed on behalf of the respondent no.2 wherein it has been stated that against the order passed by this Court in C.W.J.C. No. 5230 of 2009, LPA No. 831 of 2009 was filed and the said LPA was heard by a Division Bench of this Court and vide order dated 28.06.2011 passed in the said LPA i.e. LPA No. 831 of 2009 and its analogues cases, a direction was issued which is quoted hereinbelow:-

"We think it proper to give a direction to the Chief Secretary, State of Bihar, for issuance of direction to the Director General of Police to ascertain the actual number of vacancies available on



the date of publication of Advertisements of the year 2004 and also prepare a fresh list of the candidates who were declared eligible after the regular recruitment process and the same shall be considered in accordance with Rules. The entire process shall be completed within a period of six months from the date of receipt of a copy of this order."

5. Subsequently, vide order dated 29.04.2013 passed in C.W.J.C. No. 126 of 2013, certain directions were given in view of order dated 28.06.2011 passed in LPA No. 831 of 2009. The said directions are quoted hereinbelow:-

(i) *"The Prayer of the petitioner for being appointed on the post of Constable on the basis of process of selection undertaken in terms of Advertisement Nos. 01/2004, 02/2004 and 03/2004 has to be considered only against 507 post of constable as identified by the respondents in the supplementary counter affidavit in as much as now only 507 post alone shall be*



filled up on the basis of Advertisement Nos. 01/2004, 02/2004 and 03/2004 by the respective Recruitment Board from amongst the candidates who had appeared in such selection and were also declared eligible and successful in all respect.

(ii) Each Recruitment Board will notify the breakup number of 507 vacancies already filled up or sought to be filled up and the cutoff marks of the respective category on which the appointments have been or will be made pursuant to the directions of the Division Bench in the case of Ajay Kumar (Supra). This exercise must be completed by Chairman of respective Recruitment Board within a period of one month from the date or receipt of this order.

(iii) Any of the applicant who has participated in the selection process of Advertisement No-01/2004, 02/2004 and 03/2004 and had been declared eligible and successful, on finding himself to be eligible on the basis of marks secured by him earlier pursuant to the earlier selection made in terms of those Advertisement Nos. 01/2004, 02/2004 and 03/2004 and



also discovered from the aforesaid notification of the respective recruitment Board that anyone in his/her category having either the same marks or less than him or her has been appointed against 348 posts after 28.06.2011 in terms of the directions given by this Court in the case of Ajay Kumar (Supra) will be at liberty to file his representation to the Chairman of the respective Recruitment Board within a period of one month from the date of issuance of the notification of the concerned Recruitment Board giving full details of his claim for such appointment and those representations will be disposed of by a speaking order by the Chairman of the respective Recruitment Board within a period of three months from the date of receipt of such representation.

(iv) Such consideration by the Chairman of the Recruitment Board will be however confined only to fresh appointment to be made on those 507 posts in terms of the direction given by the Division Bench in the case of Ajay Kumar (Supra). In other words, the earlier appointment made prior to



28.06.2011, the date on which Division Bench of this Court had issued directions in the case of Ajay Kumar (Supra), on the basis of Advertisement Nos. 01/2004, 02/2004 and 03/2004 as well as Advertisement Nos. 01/2009, 02/2009 in respective districts/Battalions shall not be reopened,

(v) The exercise of filling up remaining of 507 posts of Constables, out of which 348 appointments have already been made, must be completed strictly on merit within a period of six months from today and thereafter any of the 507 vacancies which could not be filled up on account of non-availability of the candidates of the respective category will be filled up only on the basis of a fresh advertisement."

6. It has further been submitted by the learned counsel for the State that in compliance of the direction/order of this Court dated 28.06.2011 passed in LPA No. 831 of 2009, details regarding the number of vacancies available with respect to Advertisement Nos. 01/2004, 02/2004 and 03/2004 was collected from all the district/units. Total 10474 vacancies were published vide Advertisement Nos. 01/2004, 02/2004 and



03/2004 for the appointment to the post of Constable. 9113 candidates were appointed to the post of Constable before the order of the Hon'ble High Court in L.P.A. No-831/2009. No applications were received against 57 posts. 797 vacancies were carried forward and appointment to these posts were made through fresh advertisement. It is pertinent to mention here that vacancies of 797 posts were carried forward and appointment to these posts have been made through the advertisement published in the year 2009 and that these posts were advertised prior to the issuance of the direction of Division Bench passed on 28.06.2011. Consequently, a total number of 507 vacancies $[10474 (9113+57+797) = 507]$ were reported as available from different district/units. Out of these 507 vacancies, 478 candidates were appointed in compliance of the order of the Hon'ble High Court by constituting thirteen new Constable Recruitment Boards, whereas candidates were not available against 29 posts in their respective category as per the reservation roster. As per report of the concerned Constable Recruitment Boards, the present position of the appointment to the post of constable against 507 vacancies with respect to Advertisement Nos. 01/2004, 02/2004 and 03/2004 is as follows :-



S.N.	Districts/Units	Total No. of vacancies w.r.t. Adv. No. 01/04, 02/04 & 03/04	Vacancies filled up	No. of candidates not available in different categories	Total
1	2	3	4	5	6
1	Madhubani	07	07		07
2	Nawada	11	09	02(ST)	11
3	Aurangabad	01		01(ST)	01
4	Munger	45	45		45
5	Jamui	11	11		11
6	Sheikhpura	09	08	01(ST)	09
7	Lakhisarai	04	04		04
8	Bhojpur	96	96		96
9	Chapra	13	13		13
10	Siwan	15	14	01 (BC-W)	15
11.	Darbhanga	12	12		12
12	Samastipur	02	02		02
13	Muzaffarpur	28	28		28
14	Sitamarhi	02	01	01(ST)	02
15	Motihari	09	09		09
16	Patna	13	13		13
17	B.M.P.-9, Jamalpur	35	34	01(ST)	35
18	B.M.P.-10, Patna	02		02(BC-W)	02
19	B.M.P.-8, Begusarai	02		02(BC-W)	02
20	B.M.P.-11, Jamui	152	148	04 (03-BC-W & 01-ST)	152
21	B.M.P.-4, Dumraon	38	24	14 (13-BC-W & 01-	38



				ST)	
	Total	507	478	29	507

It is clear from the aforesaid facts that 478 candidates have been recruited against 507 vacancies with respect to Advertisement Nos. 01/2004, 02/2004 and 03/2004. 29 vacant posts could not be filled due to the non-availability of candidates in the respective category as per reservation roster.

7. It has further been submitted by the learned counsel for the State that C.W.J.C. No. 6995 of 2019 was filed before this Court and the same was disposed of vide order dated 19.07.2024 passed by a learned Division Bench of this Court with directions/observations/considerations contained in paragraph no.6 to 18 and after taking note of all the judgments passed by the Hon’ble Supreme Court of India and different co-ordinate Benches of this Court, the matter was finally closed.

8. After having heard the parties and after going through the documents on record, I find no merit in the present writ petition and the same is dismissed accordingly.

(Ritesh Kumar, J)

AjayMishra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.02.2026
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