

ITEM NO.107

COURT NO.7

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s) .2795-2797/2017

CHANDRA GUPTA KUMAR AND ORS.
ETC. ETC.

Appellant(s)

VERSUS

STATE OF BIHAR AND ORS. ETC.
ETC.

Respondent(s)

(with application(s) for permission to place additional documents on record, permission to file lengthy list of dates, vacation of ex-parte stay, intervention, impleadment, directions, correction of typographical error, interim relief and office report)

WITH

C.A. No. 2798-2800/2017

(With application(s) for transposition, Interim Relief and Office Report)

C.A. No. 2801-2803/2017

(With Office Report)

C.A. No. 2804/2017

(With Office Report)

CONMT.PET.(C) No. 367-369/2016 In SLP(C) No. 22304-22306/2015

(With Office Report)

C.A. No. 2805/2017

(With Office Report)

C.A. No. 2806-2810/2017

(With Office Report)

C.A. No. 2811/2017

(With Office Report)

Date : 23/03/2017 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s) Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Anurag Pandey, AOR
Mr. A. Sinha, Adv.

Mr. S. B. Upadhyay, Sr. Adv.
Mr. Dhruv Kumar Jha, Adv.
Mr. Kiran Kumar Jaipurian, AOR
Ms. Anisha Upadhyay, Adv.

Mr. S. R. Singh, Sr. Adv.
Mr. Kumar Ranjan, Adv.
Mr. Dilip Raghuvanshi, Adv.
Mr. Kaushik Poddar, AOR

Mr. Gopal Jha, AOR

Mr. Kavin Gulati, Sr. Adv.
Ms. Pragya Baghel, AOR
Ms. Ranjeeta Rohatgi, Adv.

Mr. Amit Pawan, AOR
Mr. Abhishek Amritanshu, Adv.
Mr. Gaurav Singh, Adv.
Mr. Akshat Srivastava, Adv.

Ms. Reena Pandey, Adv.

Mr. Anand Nandan, Adv.
Mr. Gyan Prakash Srivastava, AOR
Mr. Gaurav Singh, Adv.

Mr. Arun K. Sinha, AOR
Mr. Rakesh Singh, Adv.

Mr. Anurag Singh, Adv.
Mr. Anil Kumar Mishra, AOR

For Respondent(s) Mr. Dinesh Dwivedi, Sr. Adv.
Mr. Gopal Singh, AOR
Mr. Shivam Singh, Adv.
Mr. Advitiya Awasthi, Adv.
Mr. Krishnam Mishra, Adv.
Mr. Yasharth Kant Srivastava, Adv.

Mr. Ravinder Srivastav, Sr. Adv.
Mr. Manish Kumar Choudhary, Adv.
Mr. Ashutosh Kumar, Adv.
Ms. Kritika Khurana, Adv.

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Mr. Harshul Singh, Adv.
Mr. Pulkit Tar, Adv.
Ms. Ruchi Sahay, Adv.
Ms. Akanksha Sisodia, Adv.
For Ms. Namita Choudhary, AOR

Ms. Surabhi Sanchita, Adv.
Mr. Mohit Kr. Gupta, Adv.
Ms. Manju Jetley, AOR

Mr. Bipin Bihari Singh, AOR

Mr. Arun K. Sinha, Adv.

Mr. Chandra Prakash, Adv.

Mr. Dushyant Parashar, Adv.

Mr. Gopal Jha, Adv.

Mr. Himanshu Munshi, Adv.

Mr. Kaushik Poddar, Adv.

Mr. Lakshmi Raman Singh, Adv.

Mr. S. K. Verma, Adv.

Mr. Subhro Sanyal, Adv.

Ms. Reena Pandey, Adv.

Ms. Udit Singh, Adv.

Mr. Arun K. Sinha

Mr. Chandra Prakash

Ms. Namita Choudhary, Adv.

Mr. Gopal Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard learned Senior Counsel appearing for the parties. We
have been informed that there are several issues involved in this

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case, and therefore, the Court is inclined to address every issue separately. For the time being, we are concerned with the 299 posts of Sub-Inspector of Police, which were to be filled up from the 2004 advertisement.

Suffice it to note that at one stage, apparently, to get over all the objections and complaints with regard to the ongoing selection in respect of the 2004 advertisement, a submission was made before this Court that there were 299 vacancies, when in C.A. No.1240-1241/2011 was considered. Taking note of the said submission, this Court vide Order dated 02.02.2011 inter alia passed the following order:

"In the peculiar facts and circumstances of these cases, we direct the Bihar Staff Selection Commission to hold fresh examinations for the 299 posts of Sub Inspectors of Police and only the appellants, who were writ petitioners before the High Court of Judicature at Patna, whose cases were adjudicated upon or are pending before the High Court (total 223 only as per the list given in Court by Mr. Ranjit Kumar, learned senior counsel) would be at liberty to appear in the physical and written examinations."

It appears, some other candidates were not quite happy and according to them they were also similarly situated as the 299 candidates referred to in the Order dated 02.02.2011 and hence they approached this Court by Interlocutory Applications. Those applications were disposed of by this Court vide Order dated 28.11.2011 by passing the following order :

".....we deem it appropriate to permit all these applicants who are similarly situated and also all those candidates who are eligible, to appear in the

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examination for 299 posts of Sub Inspector of Police. Uniform standard would be made applicable to all the candidates and all the candidates appearing for the above post will have to undergo similar physical and the written examination.

With these observations and directions, all the applications are disposed of."

Thereafter, a common selection was conducted in respect of the 299 vacancies, as reported in 2011, and 800 subsequent vacancies. In between, there were also appointments pursuant to certain orders passed by the High Court, which we are not now concerned with and which are subject matter of other litigations.

Apprehending that there was no proper implementation of the order dated 02.02.2011 and as clarified by order dated 28.11.2011, special leave petitions were filed before this Court and in Special Leave Petition Nos.22304-22306/2015 and 22947-22949/2015 this Court ordered to maintain status quo, vide Order dated 14.08.2015.

Question before this Court is, whether the directions issued by this Court in the Order dated 02.02.2011 and clarified subsequently on 28.11.2011, have been complied with in their true spirit?

Having heard Mr. Ajit Kumar Sinha and Mr. S. B. Upadhayay, learned Senior Counsel appearing for the appellants, Mr. Dinesh Dwivedi, learned Senior Counsel appearing for the State, Mr. Ravinder Srivastav, learned Senior Counsel appearing for some other private respondents and other counsel appearing for respondents, we are of the view that the State should make a

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separate selection in respect of 299 posts, limiting the field of choice to only those who have objected to the 2004 selection either before the High Court or this Court.

The State of Bihar is directed to file a list of all those candidates who are thus eligible in terms of this order, within a week's time.

List subject to overnight part-heard on 05.04.2017.

(RASHI GUPTA)
SR.P.A.

(RENU DIWAN)
ASSISTANT REGISTRAR