



2026:PATHC:39334

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6157 of 2026

Sanjay Kumar @ Sanjay Yadav Son of Nandalal Yadav @ Nandlal Prasad Yadav, Resident of Village Kumharet, Police Station- Wazirganj, District- Gaya, presently residing at Sanghmitra Anilkumar Shende House, Mangruji Fendarkar Ward, Vivekanand Colony, Gondiya, Maharashtra. Category- BC, Roll No- G10978, Marks - 195.89.

... .. 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

Appearance :

For the Petitioner/s	:	Mr. Nilendu Kumar Choudhary, Advocate
For the State	:	Mr. Anuj Kumar (AC to GP-24)
For the BSSC	:	Mr. Sriram Krishna, Advocate
		Mr. Amarjeet, Advocate
		Mr. Prabhat Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 23-04-2026

Heard learned counsel for the petitioner, learned counsel for the State and learned 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. Learned counsel for the petitioner submits that the basis of filing the present writ petition is the observation made in paragraph 12 of the Civil Appeal No(S). 2795-2797 of 2017 according to which, the Hon'ble Supreme Court has pleased to observed that *"we make it clear that we have not considered the merits of the selection already conducted pursuant to the order dated 20.04.2017. In case, anyone has any grievance with regard to the same, he shall be free to take recourse to any other remedy before appropriate forum"*. Counsel further submits that the backbone of the present writ petition is the order dated 20.08.2025 i.e. order passed by the Co-ordinate Bench of this Court in C.W.J.C. No. 2372 of 2023 (Santosh Kumar & Ors. Vs. The State of Bihar & Ors.) with other analogous cases, in which the Hon'ble Court has pleased to observed that *"the petitioners passed in physical test held in the year 2006, appeared in the written test and qualified and further taking into consideration the fact that prima facie, it appears that they have secured more marks under the respective categories than the 133 candidates who were appointed pursuant to the order passed by the Hon'ble Supreme Court. Respondents ought to have acted with more reasonableness and in accordance with the legal principles discussed above without causing discrimination and*





prejudice to any candidate who are similarly situated with other appointed candidates rather on better footing as they have obtained more marks than the 133 appointed candidates, as mentioned above". Counsel submits that after the said observation, the Hon'ble Co-ordinate Bench has pleased to direct the respondents to give appointment to the petitioners against the vacancies at the earliest for the post of Sub-Inspector under Advertisement No. 704 of 2004, if they are found medically fit. He submits that the present petitioner has also obtained more marks than those 133 candidates. Therefore, the case of the petitioner should also be taken care of and this writ petition be allowed.

4. Learned counsel for the petitioner further submits that the counsel for the B.S.S.C and counsel for the State have raised about observation made in the Contempt Petition (C) No. 1711/2018 in Contempt Petition (C) No. 22/2018 in C.A. No. 2805 of 2017 that in case the 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. And it is made clear that even if their representations are rejected, it will not give rise to any proceedings/appeal in any of the Courts. He submits that the





said order is not applicable against the petitioner due to the reason that the petitioner is not the person whose application was filed before the Hon'ble Supreme Court at that relevant period of time. He also submits that the petitioner was also not intervenor before the Hon'ble Supreme Court. Therefore, he submits categorically that the said observation made in the contempt petition shall create bar and binding upon the present petitioner. Counsel submits that in any view of the matter, as discussed above, the present writ petition is fit to be allowed in the light of the observation made by the Hon'ble Co-ordinate Bench of this Court.

5. Learned counsel appearing for the BSSC, on the other hand, submits that this matter has already been closed by the Hon'ble Supreme Court of India. He submits that it is true that the Hon'ble Supreme Court has pleased to observed in the contempt petition for the intervenors and the applicants. Those who move before the writ petition it does not mean that it is for those persons having same grievances but not filed the case or intervention petition before the Hon'ble Supreme Court. He submits that in any view of the matter, the present writ petition is fit to be dismissed.

6. Learned counsel for the State, on the other hand,





submits that judgment on which the petitioner is relying itself indicates that this issue has been tested by this Hon'ble Court in various writ petitions as well as in LPA, series of time. Therefore, he submits that the issue which has already been closed may not be opened, as the petitioner who ought to come earlier, but he has not opted to come earlier after 2004, rather, coming before this Court after lapse of 22 years in 2026.

7. After hearing the parties, it transpires to this Court that the dispute in the present writ petition is relating to the appointment of the petitioner on the post of Sub-Inspector by virtue of Advertisement No. 704 of 2004. In this regard, there are several writ petitions and LPA.s about which the categorical description has been made by the Co-ordinate Bench in its order dated 20.08.2025 *vide* its paragraph no.7 namely, C.W.J.C. No. 9936 of 2021, C.W.J.C. No. 8764 of 2021, C.W.J.C. No. 6173 of 2019, C.W.J.C. No. 6913 of 2019, C.W.J.C. No. 18980 of 2018, C.W.J.C. No. 24153 of 2018, C.W.J.C. No. 23829 of 2018, C.W.J.C. No. 24040 of 2018, C.W.J.C. No. 23703 of 2018, L.P.A. No. 689 of 2021 & L.P.A. No. 755 of 2019. All were relating to same the advertisement i.e. Advertisement No. 704 of 2004.

8. This Court believes in the judicial discipline and





not ready to break those judicial discipline. Since, the matter has already been decided in series of C.W.J.C.s and L.P.A.s as mentioned above, therefore, this Court is not inclined to interfere in this matter. Hence, this writ petition stands dismissed.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	23/04/2026
Transmission Date	NA

