

(2002) 08 JH CK 0002
Jharkhand High Court
Case No: CWJC No. 1611 of 2000 (P)

Surendra Kumar

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision: Aug. 13, 2002

Hon'ble Judges: S.J. Mukhopadhaya, J

Bench: Single Bench

Advocate: Manoj Tandon, for the Appellant; B.S. Lal, AAG and Subodh Kumar Dubey, JC to AAG, for the Respondent

Final Decision: Dismissed

Judgement

S.J. Mukhopadhaya, J.

The writ petition has been preferred by the petitioner for direction on the respondents to appoint the petitioner as Sub-Inspector of Police, he having qualified in the physical test, written test and having appeared in the interview.

2. The case of the petitioner is that in pursuance of Advertisement No. 002/93 dated 18th July, 1993, he applied for appointment to the post of Sub-Inspector of Police. The respondents held the physical test/measurement on 1st November, 1993 at Dumka Stadium, wherein the petitioner was declared fit in the physical test. Thereafter, in the written test held on 22nd and 23rd January, 1994, the petitioner participated and came out successful, his Roll Number having shown successful in the newspaper "NAVBHARAT TIMES" dated 4th June, 1994.

3. Further case of the petitioner is that he was asked to appear in personal interview, vide letter dated 20th June, 1994 as was to be held on 3rd August, 1994. In the said interview, the petitioner participated, whereinafter, a letter was sent to him to report S.P. Dumka. The petitioner obeyed the direction and reported the S.P. Dumka and performed all the formalities for verification of his character and certificate. The local police and the police at permanent residents of petitioner were also asked to verify the character of the petitioner, vide letter dated 25th October.

1994/28th June, 1995, but subsequently, no order of appointment was issued in favour of petitioner.

4. A counter affidavit has been filed on behalf of respondent Nos. 1 to 3. A copy of the affidavit was served on a counsel at Patna on 18th August, 2000, before reorganisation of the State and transfer of the present case from Patna High Court to Jharkhand High Court.

5. The counsel for the petitioner submitted that he has not received the copy of the counter affidavit and, therefore, the said counter affidavit cannot be taken into consideration. For the said reason, I have ignored the facts, as mentioned in the counter affidavit. However, I have taken into consideration the decisions of Patna High Court passed in one or other case, because for such reference, it is not necessary to serve a copy on the other side.

6. Admittedly, nine years have passed after the advertisement and the selection made and panel was prepared in the year 1994, i.e. eight years back. Thereafter, a large number of persons were appointed out of said panel in the year 1995, followed by appointments made to the posts in pursuance of one or other orders passed by this Court.

7. In similar case of Krishna Kumar and others v. State of Bihar, CWJC No. 7982 of 1998, the Court vide order dated 10th November, 1999 refused to grant relief, the panel having lost its force and posts having filled up.

Similar order was passed in CWJC No. 7189 of 1994 by a Division Bench on 11th January, 1995 wherein the Bench held that any panel pursuant to Advertisement No. 2/93 has become stale.

A number of writ petitions were dismissed by the Patna High Court on the same ground, such as, CWJC No. 8706 of 1994 dismissed on 22nd January, 1996; CWJC No. 8466 of 1994 dismissed on 8th April, 1996; CWJC No. 8786 of 1994 dismissed on 9th April, 1996; CWJC No. 9469 of 1994 dismissed on 12th April, 1996 etc.

8. For the same reason, the panel of 1994 having become stale and having lost its force, no relief can be granted in the case of the petitioner. It is, accordingly, dismissed.