

(2007) 03 PAT CK 0180

Patna High Court

Case No: CWJC No. 13751 of 2000

Mithlesh Kumar and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision: March 23, 2007

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2007) PLJR 48

Hon'ble Judges: J.N. Bhatt, C.J

Bench: Single Bench

Advocate: Anjani Kumar Sharan, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Dr. J.N. Bhatt, C.J.

In this group of ten writ applications under Article 226 of the Constitution of India, the prayer is for issuance of a direction for appointment of the writ petitioners as Constables in the Police Department of the State of Bihar in pursuance of advertisement No. 1/1998 after taking remeasurement of their height. Since questions involved in all these writ applications are same and similar, they are being taken up simultaneously for disposal and thus, they are being disposed of by this common order. Appointment to the post of constable in the Government of Bihar is competent under the provisions of the Bihar Police Manual. However, the Government issued Police Order No. 202 of 1988 prescribing the details with regard to the appointment to the post of constable and prescribed minimum height for general candidates and reserved category candidates for direct recruitment, as well as, persons appointed from other sources to the post of constable.

2. In pursuance of Advertisement No.1 of 1998, the petitioners applied for appointment to the post of constables. During the course of process, different

committees came to be constituted for consideration of the selection and appointment in terms of Police Order 202 of 1988. The selection process had been started and it came to be concluded. In some of the cases, re-measurement of height was also directed. The present petitioners are, therefore, seeking direction against the respondent authority for the purpose of selection and their appointment to the post of constable as they are fulfilling the requisite criteria.

3. On behalf of the State it is submitted that in similar cases, this Court has decided several cases by one common order, dated 15.7. 2005 in CWJC No. 8304 of 1999 and analogous cases by which the Division Bench of this Court dismissed those writ applications, there being no merit in the averments and pleas raised on behalf of the petitioners of those cases.

4. This Court has examined the contour and chronicles of the said judgment. This group of matter is also directly covered by the ratio laid down and decision rendered in the said judgment as similar issue arising out of the same advertisement and common complain of height and non-selection and non-appointment of the petitioners to the post of constable is involved in this group of cases also. Therefore, this Court has no option but to raise hands in helplessness and dismiss all these writ applications in the light of the aforesaid decision of the Division Bench of this Court. Accordingly, all these writ applications shall stand dismissed. Rule is discharged. No costs.