

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16421 of 2008

=====

Madan Murari Singh, son of Vishwanath Singh, resident of village Fakuli,
P.O. Fakuli, P.S. Muffasil, District Chhapra, Saran

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna
2. The D.G. cum I.G. of Police, Bihar, Patna
3. The D.I.G. of Police, Central Range, Patna
4. The Sr. S.P., Patna cum Chairman, Constable Selection Committee,
Patna

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Purnendu Narayan Singh, Advocate

For the Respondent/s : Mr. Brajesh Kumar, AC to AAG 11

=====

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 18-09-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks a direction on the respondents for
appointment to the post of Constable in Home Guard category and
for consequential relief.

The stand of the petitioner is that under an advertisement
No. 1/04 for the selection and appointment on the post of
Constable in Bihar he applied from Central range, Patna and after
declaring fit and pass by the Selection Committee he was awarded
seven points. The name of the petitioner was also notified in the
notice board under the pass category. Thereafter several
candidates having seven points, according to the petitioner, were
appointed but the petitioner has not been appointed and as many as
80 seats, which had been kept reserved for the category of Home
Guards, were kept vacant.

In support of the stand learned counsel for the petitioner

relies upon the case of one Subodh Kumar Singh who had filed CWJC No. 1890 of 1993 before this Court and this Court had given direction to appoint him in accordance with law which direction had been upheld by the Apex Court in SLP filed against the order dated 12.7.1993 passed in the writ application.

From a perusal of the case of the said Subodh Kumar Singh it does not appear that the case of the petitioner stands on similar footing. The case of the said Subodh Kumar Singh was very clear that after the selection process merit panel was prepared in which the said petitioner figured at Serial No.4 in the waiting list, which fact was also admitted in the counter affidavit, and on the basis of the fact that four candidates had not joined leading to four vacancies in the Home Guard quota the High Court and the Apex Court had given direction for his appointment from the Home Guard quota.

In the present case, no case has been made out for appointment of the petitioner to the post of Constable from the category of Home Guard.

The writ application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

spal/-

U			
---	--	--	--