

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16479 of 2008

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Ashok Kumar Paswan, son of Late Jagdish Paswan, Resident of village-
Belmohan, P.O. Sudi, P.S. Phulparas, District-Madhubani (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Home, Government of Bihar, Patna
2. The Secretary, Department of Home, Government of Bihar, Patna
3. Director General of Police, Bihar, Patna
4. Bihar State Staff Selection Commission through its Chairman, Bihar, Patna
5. Chairman, Bihar State Staff Selection Commission, Bihar, Patna
6. Secretary, Bihar Staff Selection Commission, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mirtunjay Kumar Jha
Mr. Dharendra Kr.Mishra

For the State : Mr. Mayank Pukhaiyar, AC to Ga-1
For the BSSC : Mr. S.S.Sundaram

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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 upon the respondents to call the petitioner for medical test consequent upon his being successful in the physical examination finally for selection/appointment as Sub-Inspector of Police in the State and thereafter prepare a merit list and for consequential relief.

Pursuant to an advertisement No. 704 dated 22.9.2004 published in local newspaper the petitioner applied for



appointment to the post of Sub-Inspector of Police. He was also declared successful in the physical test. He applied to appear in the written test in the prescribed Form. The petitioner was thereafter allowed to appear in the written test and declared successful in the SC category in the result published on 31.5.2008. He was however, subsequently informed that he will not be called for medical test as in his application he has written both his permanent and temporary addresses. Aggrieved by the same the petitioner has come up before this Court.

Learned counsel for the petitioner submits that the petitioner had given the temporary address also as a matter of abundant precaution and the same could not be used to deny him the opportunity to appear in the medical test and subsequent appointment in his category.

Learned counsel for the respondent-Bihar Staff Selection Commission, on the other hand, submits that it was clearly mentioned in para-11 of the advertisement, which has been annexed as Annexure-1 to the writ application, that the candidate had to apply before the Regional Deputy Inspector General of Police of his permanent address or his present address but not at both.

It is admitted by the petitioner in his writ



application that he has dropped a copy of the application mentioning temporary address as a matter of abundant precaution. In the aforesaid circumstances, the petitioner has definitely violated the terms and conditions of the advertisement and thereby he has invited disqualification to be considered to appear in the medical test. In support of the same learned counsel for the State relies upon a Division Bench decision of this Court passed in LPA No. 139/2008 (Mohan Kumar Vs. The State of Bihar & Ors.) in which the aforesaid proposition has been accepted by this Court.

From a consideration of the facts and circumstances of the case, this Court is inclined to accept the submission of learned counsel for the Bihar Staff Selection Commission, Patna. The petitioner having violated the terms and conditions of the advertisement had thereby rendered himself disqualified in view of the clear instructions contained in the advertisement itself and thus the petitioner cannot claim to be appointed on the said post.

This Court does not find any arbitrariness or discrimination in the matter in view of the above condition to apply either on the basis of permanent address or temporary address before the concerned Regional Deputy Inspector General

of Police.

In the aforesaid view of the matter, the writ application is dismissed.

(Ramesh Kumar Datta, J)

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