

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12656 of 2013

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1. Lay Prakash Sharma Son Of Sri Ransigasan Sharma Resident Of Village
- Tetardih, P.S. Piro, District - Bhojpur

.... Petitioner/s

Versus

1. The Union Of India Through The Director General Of Police, Central Reserve Police Force, New Delhi
2. Director General Of Police, Central Reserve Police Force, New Delhi
3. Inspector General Of Police, Central Reserve Police Force, Bihar Sector, Patna
4. Deputy Inspector General, Central Reserve Police Force, Group Centre, Muzaffarpur
5. Dr. Srot Gupta, M.C. Medical Member - Twc, Recruitment Board, C.T. (Technical/Tradesman), At G.C. (Crpf) Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar, Adv.

For the Union of India : Mr. Sanjay Kumar ASG

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 21-01-2015 Heard learned counsel for the petitioner and the

Union of India.

In the present case, the petitioner is claiming for his
appointment on the post of constable (Technical/Tradesman) in
pursuance of Advertisement dated 13th November 2012.

Petitioner appeared in the physical test and the
written test held on 24th January 2013 and was declared
successful.

He faced the Medical Board and the Board declared
him unfit.



After rejection by the Medical Board, petitioner got himself examined by a Doctor of Sadar Hospital, Ara on 6th February 2013 where doctor found him medically fit, on that strength he filed an appeal before the DIG, Muzaffarpur who vide letter No. R.II-8/2013 –Estt.6 (RM) dated 23rd February 2013 directed the petitioner to appear before the Review Medical Board on 5th March 2013.

In pursuance thereof, petitioner was re-examined by the team of Doctors and they did not find any wrong with the petitioner but he was not declared successful on account of his position in the merit list. Petitioner challenged the conduct of the respondents claiming that he had done fairly well in the written examination and the action of the respondents in rejecting the claim of he petitioner is completely illegal and not sustainable in law.

The Union of India has filed a counter affidavit and again a supplementary counter affidavit annexing the merit list, containing merit list of candidates of different categories, list of persons accommodated in the merit list and list of candidate who were rejected. The petitioner is at Sl.no.11, has secured 37 marks only.

Five persons from the general category have been



accommodated and two persons from the B.C. category and one person of OBC from Back -log vacancy have been selected and altogether 8 persons have been appointed but 3 persons at the bottom who are Anil Kumar, Bhushan Kumar and Lay Prakash Sharma, the petitioner could not be accommodated because of their position in the merit list.

Counsel for the petitioner submits that the petitioner had done fairly well and he has been wrongly treated in evaluating his answer-sheet, further submitted that the Union of India has not given names in the affidavit of persons who have been appointed.

Submission of the petitioner cannot be accepted for the simple reason that the Union of India has annexed the entire, list of candidates who were selected in the general category, OBC category and list of persons who could not be accommodated on account of their position in the merit list.

There cannot be more material for arriving to the conclusion that the petitioner on account of his position in the merit list could not be accommodated which cannot be said to be illegal.

In such view of the matter, the order impugned does not require any interference by this Court.

If any person does not join certainly the petitioner

will have liberty to make an application for consideration of his case against the vacant post, if any, and if such application is filed by the petitioner, respondents are directed to consider his case in accordance with law.

Counsel for the petitioner submits that the petitioner needs some information from the respondents. It goes without saying that if such application is filed, the authority will dispose of the same in accordance with law.

With this observation/direction, this petition is disposed of.

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(Shivaji Pandey, J)