

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7759 of 2015

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Pappu Soni son of Chhote Lal Seth @ Late Chhotelal Seth, Resident of Village Murlipur, P.S. Shivsagar, District Rohtas.

.... Petitioner/s

Versus

1.The Union of India through the Ministry of Personnel P.G. and Pension Deptt. Of Personnel & Training, New Delhi
2.The Secretary, Ministry of Personnel, P.G. and pension Deptt. Of Personnel & Training, New Delhi.
3.The Chairman, Staff Selection Commission, New Delhi.
4.The Secretary, Staff Selection Commission, Eastern Regional Officer, Nizam Palace, 1st MSO Building (8th floor), 234/4, A.J.B. Bose Road, Kolkata-700020.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv & Mr. Vinod Kr Seth, Adv
For the Respondent/s : Mr. Rajesh Kumar Verma C.G.C

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 18-05-2015 Heard learned counsel for the parties.

The grievance of the petitioner in this writ application can be better understood by extracting the relief sought by him in this writ application, which reads as follows:-

“To direct the respondents to issue joining letter to the petitioner for recruitment of constable (GD) in CAPFs and Rifleman (GD) in Assam Rifles 2013 who has been obtained 72 marks and declared qualified and allotted CRPF at Sl. 5267 vide Roll No. 4205526069.

To direct the respondents to punish the erring persons for committing such type of discrimination as the other candidate who having less mark than petitioner have been made joining by the deptt. Concern.”



Learned counsel for the petitioner having referred to the averments as also supporting documents has submitted that the petitioner was initially held to be medically unfit and when he has sought his re-medical examination by way of review, he was declared fit and in fact his name was also included in the list of male candidates recommended for appointment, wherein, he was allotted C.R.P.F. Learned counsel for the petitioner further submits that while others having lesser marks than the petitioner have already been given appointment letter and their joining have also been accepted, similar benefit has not been given to the petitioner and in this regard, he has cited the instance of Pankaj Kumar Singh, Shyam Kumar Gupta and Anup Kumar Singh, who are said to have obtained 66, 70 and 62 per cent marks.

Learned counsel for the respondents in absence of instruction can definitely not answer these questions but then this Court also would not like to keep the matter pending because whatever has been enclosed by the



petitioner do make out a case for at least consideration of his case. The petitioner's merit being established, if in his category, anyone having lesser marks have been appointed would definitely give him right of claiming such appointment. This Court, however, is not aware as to why the petitioner was refused such appointment despite being selected and also recommended but then keeping in view the allegation of the petitioner as with regard to appointing persons of the lesser marks belonging to the same category as that of the petitioner, this Court would deem it expedient in the ends of justice to direct respondent no. 4, the Secretary, Staff Selection Commission, to consider the said grievance of the petitioner and take a decision within a period of eight weeks from the date of receipt of this order.

This Court would immediately clarify that it has not already held the petitioner entitled for appointment but then the petitioner's case must be considered strictly in accordance with law.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

