

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12350 of 2015

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1. Pinki Kumari Wife of Harendra Prasad Singh Resident of Mohalla- Kashipur,
Ward No. 12, within Samastipur Municipality, House No. 18, Post Office + Police
Station + District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Old
Secretariat, Government of Bihar, Patna
2. The Principal Secretary, General Administration, Government of Bihar, Patna
3. The Joint Secretary cum Director (Administration), Department of Home,
Government of Bihar, Patna
4. Inspector General Prison (Jail and Reform), Government of Bihar, Patna
5. The Bihar State Selection Commission through the Secretary, Veterinary College,
Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan
For the State : Mr. Manish Kumar 3, AC to SC 6
For the Commission : Mr Kamla Kant Upadhyay

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 22-09-2015

Petitioner has unnecessarily raised issues which are not relevant to the adjudication with regard to her non-selection as a Warden under the State of Bihar. Bihar Staff Selection Commission issued an advertisement in terms of Annexure- 1 where eligibility, vacancies etc. have been indicated. After going through the process of selection and despite succeeding in the written examination when the petitioner, who belongs to a general category candidate, did not get a recommendation in her favour for appointment, she filed the writ application raising all kinds of bogey as to how the entire process of selection is vitiated. Even a story was sought to be

introduced that the respondent Staff Selection Commission have recommended and appointed persons, who had not even qualified in the written examination or whose names did not figure in the results published by the Staff Selection Commission.

The Court initially got swayed by the alarming picture painted by the counsel for the petitioner with regard to such exercise and directed the Staff Selection Commission not only to file a detailed affidavit with supporting material but also explain the modality of such exercise.

This is the reason why a series of affidavits with detailed merit list of candidates have been brought on record.

There is a complete denial of the allegations made by the petitioner with regard to so-called 47 candidates against whom allegation was made that they never qualified. Relevant annexures to belie such an assertion and insinuation is also brought on record.

In the first counter affidavit filed and served on behalf of the Staff Selection Commission it has been stated that the petitioner had obtained 57.58 marks in the written examination and her merit position in the general category was 1376 and the total vacancies available for such category is 236 only. An effort was made by the petitioner to expand the ambit of the allegation to somehow derail the entire selection by one means or the other but they have no legs

The Court will not convert the present writ application

into some kind of PIL at the instance of a person, who has no merit position anywhere near the number of vacancies, which are required to be filled up under the general category.

During the course of submission it was also urged that even in the general category there is a separate reservation for woman candidates. There is no clear picture emerging as to how many people from the woman category have been appointed as per the General Administration Department's circular contained in Annexure- 7, dated 24.8.2001.

If the petitioner wants any clarity over and above what has been said in the counter affidavits with regard to break- ups, she need not file a writ application. This information could have very well been obtained under Right to Information Act by spending Rs.10 as a postal order.

After various exchange of pleadings and affidavits, the Court comes to a considered opinion that there is no merit in the writ application of the petitioner which can necessitates issuance of any direction for appointment of the petitioner or to annul the selection process in entirety on the basis of ipsi dixit.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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