

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14741 of 2007

Vijay Kumar Singh, son of Late Jagu Singh, resident of village- Gijwahi, P.O. Karwandia, P.S. Sasaram, District-Rohtas

.... Petitioner

Versus

1. The State of Bihar
 2. The Bihar Staff Selection Commission, Patna through its Chairman
 3. The Chairman, Bihar Staff Selection Commission, Patna
 4. The Director General of Police, Bihar, Patna
 5. The Inspector General of Police, Special Branch-cum- Chairman, Shahabad Range Board, Rohtas
 6. The Special Branch-cum- Member Shahabad Range Board, Rohtas
 7. The Deputy Inspector General of Police, Shahabad Range, Dehri-on-Sone, Rohtas
 8. The Deputy Inspector General of Police, Criminal Investigation Department, Bihar, Patna
- Respondents

Appearance :

For the Petitioner/s : Mr. RABI BHUSHAN PRASAD I
Mr. Binay Krishna

For the Respondent/s : Mr. AC to GP-8
Mr. Bipin Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 16-02-2015

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Heard learned counsel for the petitioner, learned AC to GP-8 as well as Sri Bipin Kumar, learned counsel, who appears on behalf of Bihar Staff Selection Commission, Patna.

The petitioner, invoking writ jurisdiction of this Court under Article-226 of the Constitution of India, has prayed for directing the Respondents to give an opportunity to qualify high jump test on the date fixed prior to the written test, which was to be held on 25th and 26th November, 2007.

Of course, the writ petition was filed on 20th November

2007 i.e. prior to the date fixed for written test, it has been claimed that the petitioner was not given equal opportunity to participate in the high jump.

Learned counsel for the petitioner submits that other two similarly situated persons were given opportunity and discrimination has been made to the petitioner.

In this case, a counter affidavit has been filed on behalf of Respondent no.7 and in paragraph-3 of the counter affidavit, a specific stand has been made that two persons were selected in the physical test. Since the petitioner could not successfully jump in the prescribed height, he has been rejected. Of course, this counter affidavit was filed in the year 2008, no reply to the counter affidavit has been filed. Moreover, keeping in view the fact that date of written test was fixed in the month of November, 2007 for which physical test was held earlier, there is no reason to pass any positive order in favour of the petitioner.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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