

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4849 of 2011

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Vijay Kumar, Son of Shri Narayan Thakur, Resident of Village Tiri
Dhanchhoha, PS Sour Bazar, Distt. Saharsa.

.... Petitioner

Versus

1. The State of Bihar through Secretary, Department of Home,
Government of Bihar, Patna.
2. Secretary, Central Selection Board (Sipahi Bharti), Pant Bhawan, Patna
(Presently SCRB, Computer Bhawan, Bailey Road, Patna.)
3. Inspector General cum Director General of Police, Government of
Bihar, Patna.
4. Director General of Police (Home Guards), Government of Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Krishna Ranjan
Mr. Suman Kumar Jha
For the Respondent/s : Mr. Prabhat Kr. AC to GA-2
Mr. Sanjay Pandey
Mr. Binod Kr. Mishra

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 09-11-2015 Heard Sri Krishna Ranjan, learned counsel, who was
assisted by Sri Suman Kumar Jha, learned counsel for the
petitioner, learned A.C. to Govt. Advocate – 2 as well as learned
counsel, who has appeared on behalf of respondent/Central
Selection Board (Sipahi Bharti).

The petitioner, invoking writ jurisdiction of this Court
under Article 226 of the Constitution of India, has prayed for
directing the respondents to appoint him as Constable, in terms of
advertisement. It has been claimed that pursuant to advertisement
for the post of Constable, which was published in the year 2009,
the petitioner applied in the category of BC (Backward Class). He

qualified in written test as well as physical test. However, since the petitioner produced certificate of EBC (Extremely Backward Class), his claim was rejected and he was denied his appointment.

Learned counsel for the petitioner submits that it is true that as per advertisement, in application form, he had claimed in the category of BC, but after completion of selection of the petitioner in written test and physical test, he produced the certificate of the category of EBC. He submits that keeping in view the fact that the petitioner was in the category of EBC, which is worst than the category of BC, the petitioner's claim for appointment was not required to be rejected and he makes a prayer for directing the respondents to consider his case for appointment as Constable.

In this case, counter affidavit has been filed on behalf of respondent no. 2 and in the counter affidavit, it has categorically been indicated that since the petitioner did not produce the Backward Class category certificate, which he had claimed in the application form, his case was turned down and he was considered as disqualified due to mismatch in application form data with original document.

The Court is of the opinion that since in the application form itself, the petitioner had claimed for a particular

category and subsequently, he failed to produce such certificate, I do not find any error in rejecting the claim of the petitioner.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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