

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1345 of 2012

IN

Civil Writ Jurisdiction Case No. 14555 of 2011

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Jitendra Kumar, son of Sri Ram Nav Vinod Singh, resident of village- Jalalpur,
P.S.- Dariyapur, District- Saran at Chapra.

.... Petitioner, Appellant.

Versus

1. The State of Bihar through Principal Secretary, Home, Govt. of Bihar, Patna.
2. Additional Director General of Police, B.M.P., Bihar, Patna.
3. The Chairman, Tirhut Range, Board No. 2, Hajipur-Cum-Assistant to Inspector General of Police (Q), Bihar, Patna.
4. The Commandant, B.M.P.5, Phulwari sharif, Patna.
5. The Superintendent of Police, Vaishali at Hajipur.
6. The Dy. Inspector General of Police, Vaishali at Hajipur.
7. The Dy. Inspector General of Police, Magadh Range, Gaya-cum-Chairman, Tirhut Board No.-2, Hajipur, Vaishali.
8. The Inspector General of Police, Tirhut Range, Muzaffarpur.

.... Respondents, Respondents.

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Appearance :

For the Appellants : M/s. Ajay Kumar Singh & Rakesh Kumar, Advocates.

For the Respondents : Mr. Md. Anis Ansari, AC to GA-1.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 29-04-2015

Writ petitioner had applied for the post of Constable in the Bihar Military Police-5. In the application, which was made in the year 2004, there was a column no.9, where a person had to indicate his Caste Category. Writ petitioner, admittedly, left the same blank, though he alleges that he had annexed his Caste Certificate showing himself belonging to Backward Category. He was called for physical



examination but, thereafter, he was told that he was overage and his candidature was rejected. He came to this Court and filed C.W.J.C. No.16440 of 2009. This Court vide Judgment and Order dated 12.01.2010 directed him to make representation to the authorities. While doing so, this Court observed that writ petitioner had not filled the column no.9 meant for Caste Categories. He was ultimately treated as General Category Candidate and he was overage but at the same time this Court held that initially even the authorities treated him to be a Backward Caste, his application was not rejected at the threshold being overage which should have been a case if they had treated him as General Category. The Court also observed that it would be gross injustice if on this account alone, writ petitioner is denied recruitment. Writ petitioner, accordingly, made representation which was again rejected. While rejecting the representation, once again the aforesaid ground was reiterated but in addition thereto, it was mentioned that there is no further vacancy either in the General Category or in the Reserved Category. Writ petitioner again came to this Court and filed C.W.J.C. No.14555 of 2011, which was dismissed vide Judgment and Order dated 20.10.2011. Hence, this appeal.

2. Learned counsel for the writ petitioner submits that in any case, there was vacancy at least upto the year 2011, that would be apparent from the order dated 28.06.2011 passed in L.P.A. No.831 of

2009 and large number of analogous cases, which was in relation to the same recruitment.

3. We have heard the parties and we cannot grant relief to the writ petitioner, which he has prayed for. The L.P.A. order itself indicates that in the year 2011, fresh advertisement for recruitment was published taking into consideration the number of vacancies. That recruitment process is also complete. Therefore, now, in order that writ petitioner be considered all over again for the recruitment that started long back would not be fair, just and proper. If anything which the writ petitioner faced himself was that he had not filled up the application form correctly. We have, therefore, no option but to dismiss the appeal.

4. The appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J)

(Rajendra Kumar Mishra, J)

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