

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22923 of 2013

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1. Ome Prakash Kumar Son Of Sri Chandeshwari Prasad Yadav, Resident Of
Village + P.O. Shyam Via - Udakishunganj, District - Madhepura

.... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, (Home) Police Department,
Govt. Of Bihar, Patna
2. The Secretary, Central Selection Board of Constable, Government of Bihar,
Patna
3. The DIG, Bihar Police Academy, Patna
4. The Superintendent of Police, Rail, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar
Mr Jai Kishore Sharma
Mr Kundan Kumar
For the State : Mr. Lalan Kumar, AC to GP 23
For the Board : Mr Kunal Tiwary

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 22-09-2015

Heard learned counsel for the petitioner and learned
counsel appearing for Central Selection Board for Constable,
Government of Bihar as well as counsel for the State.

Petitioner was one of the candidates, who applied for the
post of Constable and went through the process of selection. He is
supposed to have qualified in the written as well as physical
examination and was even issued an appointment letter to report
before the Rail Police at Patna. However, the authorities while
examining the documents for verification, discovered that there is a



variation in the name of the father as indicated by him in the original application form vis-à-vis the name which figures in other certificates including matriculation certificate. This came in the way of the petitioner being appointed on the post of a Constable. Petitioner produced an affidavit notarized explaining the reason for the mistake. However, the respondent authorities refused to entertain the explanation and, therefore, the petitioner is before the Court seeking a mandamus for a direction to allow the petitioner to join as a Constable.

Learned counsel for the petitioner submits that there was no deliberate mischief by the petitioner. It was an honest and bona fide mistake made by the petitioner while filling the form. The actual name of father of the petitioner is Chandeshwari Prasad Yadav but by mistake and oversight, he indicated his name only as Chandeshwari Yadav.

The stand of the respondents is that the advertisement itself very clearly indicated that a candidature of a candidate can be rejected, if on verification, it is found that there are wrong and incorrect declarations or the declarations do not tally with the original certificates annexed thereto. This condition or parameters was strictly enforced and implemented across the board and that formed the basis for rejection of claim of the petitioner.



Learned counsel for the Central Selection Board informs the Court that since there were large number of candidates running into lakhs and many applicants try to take a chance at more than one place by minor deviation in either their name or their father's name or other minor details, rejections to the extent of 14000 have been made. There cannot be two yardsticks and the respondents are not required to go behind the intent, purpose or the reason why such a mis-declaration had been made by a candidate.

The petitioner had filled in the name of his father in three different places and has indicated the name of his father as Chandeshwari Yadav and not Chandeshwari Prasad Yadav.

If condonation of such kind is going to be made in favour of one, it has to be extended to all those candidates, who have readymade explanation to offer as human error, in making such mis-declaration or omission in the application forms.

The reason for non-appointment of the petitioner, therefore, cannot be said to be any act of arbitrariness on the part of the respondent authorities. This is attributable to the petitioner and this Court is not willing to accept any explanation as to why he chose to mis-declare the name of his father, which did not match with the certificates which the petitioner had annexed.

The Court, therefore, refuses to exercise its discretion in the given set of facts in favour of the petitioner. Writ is dismissed.

(Ajay Kumar Tripathi, J)

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