

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8565 of 2014

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1. Rajesh Kumar Pal Son of Bali Ram Pal Resident of Village- Bakasara, P.O- Itarhi, District- Buxar.
2. Shatrudhan Pal Son of Triloki Pal Resident of Village- Bakasara, P.O- Itarhi, District- Buxar.

.... Petitioner/s

Versus

1. The Union of India through its Secretary, Ministry o Home Affairs, South Block, New Delhi- 110011.
2. The Director General, Assam Rifles, Shillong, Meghalaya.
3. The Presiding Officer, Assam Rifles, Shillong, Meghalaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gaurav Govind, Advocate.

For the Respondent/s : Mr. Anjani Kumar Sharan, CGC. s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 12-03-2015

Heard learned counsel for the parties.

2. The prayer of the petitioners in this writ application

reads as follows:

"1.(i) For issuance of a writ in the nature of Mandamus commanding the respondents to appoint the petitioners on the post on which they had applied."

3. Before this Court could address itself on merit of the case, a preliminary objection was raised by the learned counsel for the respondents as with regard to the writ application being not maintainable on account of territorial jurisdiction. According to learned counsel for the respondents, the advertisement in question issued by the Assam Rifles for recruitment test to be conducted at Kohima (Nagaland), NRS-Dimapur and Shillong (Meghalaya),

NRS-Gawahati, the petitioners filing applications in the selection process also at Shillong (Meghalaya) would not give them any part of cause of action so as to maintain the writ application seeking mainly the prayer of appointment on the advertised post.

4. Learned counsel for the petitioners, however, in reply to the aforementioned preliminary objection, has relied on a judgment of this Court in the case of ***Ravi Ranjan Tiwari vs. the Union of India through D.I.G.P Group Centre, C.R.P.F. & Ors.*** reported in **2014 (3) PLJR 408** wherein it has been held as follows:

"9. Dealing with the preliminary objection raised on behalf of the Union of India as well as the Staff Selection Commission this is to be noted that the vacancies were advertised for various States including the State of Bihar and the recruitment was conducted by the Regional Office, Staff Selection Commission located at Allahabad for States including the State of Bihar. In such circumstances, it cannot be said that this Court lacks territorial jurisdiction to decide the dispute. As regards the clause of the advertisement which provided that the dispute could be raised with respect to recruitment only before the Court, tribunal having jurisdiction of the said town where Regional Office of Staff Selection Commission is situated, I would only observe that such conditions in the advertisement would not determine the territorial jurisdiction of a High Court exercising power under Article 226 of the Constitution of India."

5. In view of the fact that almost an identical issue has already been decided by this Court by holding the writ application to be maintainable because the advertised post also included the post of State of Bihar, this Court, for the time being, is not in a position to accept the preliminary objection which is accordingly

rejected.

6. Coming to the merits of the case, learned counsel for the petitioners has explained that the petitioners were declared to be successful in the written examination held at Kohima(Nagaland) and thereafter were also sent letters for medical examination test and the petitioners had appeared in the medical test but thereafter nothing has been communicated to them as with regard to final result though the vacancies of advertised posts of Assam Rifles in the State of Bihar have still remained unfilled.

7. Noticing the fact that this writ application was filed on 06.05.2014 and no counter affidavit has been filed in this case as yet, this Court, in order to expedite the process for consideration of the case of the petitioners, would deem it expedient in the ends of justice to direct the respondent no. 2 to consider the aforementioned grievance of the petitioners and communicate his final decision within a period of four months from the date of receipt of a copy of this order.

8. In order to expedite its process, this Court would give liberty to the petitioners to file self contained representations including a copy of this order and the period of four months shall commence from the date of filing of such representations by the

petitioners.

9. With the aforementioned observation and direction,
this writ application is disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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