

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7351 of 2008

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Manoj Kumar Pandey, son of Parshuram Pandey, R/O Village- Dharampura, P.O.-
Dhamar, P.S.-Muffasil Ara, District Bhojpur

.... Petitioner

Versus

1. The State of Bihar.
2. The Secretary, Bihar Staff Selection Commission, Patna.
3. The Union of India through the Postal and Tele-communication Department,
Govt. of India.
4. The Chief Postmaster General, General Post Office, Patna.
5. Post Master, Post Office Dhamar, District-Bhojpur at Ara.

.... Respondents

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Appearance :

For the Petitioner :	Mr. Mahendra Pathak, Advocate Mr. Nagendra Upadhyay, Advocate Mr. Maya Shankar Mishra, Advocate
For the S t a t e :	Mr. P.K. Verma, AAG-5, Dr. Mankeshwar Sinha, A.C. to AAG-5
For the Union of India :	Mr. Awadhesh Kumar Pandey,SCGC Mr. R.K. Sharma, CGC
For the Commission :	Mr. Prabhat Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 24-04-2015

The Government of Bihar, through its Staff Selection Commission issued an advertisement in the year 2004 inviting applications for selection of candidates for the posts of Sub-Inspectors of Police. The Ranges of the Police administration were treated as Units of appointment. The candidates were permitted to apply from only one Range, according to the stipulated norms.

2. The petitioner submitted applications for the Range of

Darbhanga, and Shahabad at Ara. He is said to have cleared the physical endurance test. Written examination for the purpose was held on 21.4.2008.

3. The petitioner contends that the admit card for the examination was received by him only at 3.25 P.M. on 21.4.2008 and thereby he could not appear in the examination held on that day. It is stated that he has appeared in the subsequent examinations.

4. This writ petition is filed with a prayer to issue direction to the respondents to conduct the Special Test for him in the Subject of "Public Administration and Constitution of India", which he could not appear on 21.4.2008.

5. The respondents filed a counter affidavit. According to them, the candidature of the petitioner was cancelled on account of the fact that he applied for two Ranges in contravention of Clause 11 of the Advertisement. It is stated that the admit card in respect of Shahabad Range was issued to the petitioner, but as soon as another application form from Darbhanga Range was received, his candidature was immediately cancelled by the respondent-Commission and the same was communicated to the petitioner and concerned Centre Superintendent.

6. Heard learned counsel for the petitioner and the learned counsel for the respondents.

7. The petitioner, no doubt, was issued an admission card, albeit with some delay. However, the fact remains that his candidature was cancelled on account of the fact that he submitted applications for both the Ranges.

8. A Division Bench of this Court, in *Mohan Kumar v. State of Bihar* [2008(2)PLJR 526] held that if a candidate submitted application for more than one Range, he cannot claim a right to be allowed to appear in the written test, even if he received admit card to take examination for one Range. The ratio of the said judgment is squarely applies to the facts of this case.

9. Learned counsel for the petitioner relied upon the judgment, rendered by Division Bench of this Court, in *Binod Kumar Vs. State of Bihar & ors. in CWJC No.11886 of 2006*. That was a case where the application was submitted by the petitioner of that case from outside the State of Bihar. In that case, the candidate, who was a permanent resident of Darbhanga Range, submitted application for the Patna Range. This Court took the view that as long as a person from the State of Bihar, the application cannot be rejected on account of the fact that he submitted application for different Range. The facts of the present case are totally different.

10. As regards the delay in despatch of the admit card is concerned, we find that the respondents have taken all possible steps

to despatch the Hall Ticket. The postal delay, even if is taken as true, that cannot be a fact to require the respondents to conduct the examination afresh. Such holding of examination is unknown and impermissible in law. The reason is that the selections are to be made on the basis of the performance in the examination for all the candidates.

11. We, therefore, do not find any basis to allow the prayer of the petitioner. The writ petition is dismissed.

12. The interlocutory application, if any, shall also stand disposed of. There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Sudhir Singh, J)

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