

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13750 of 2015

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Pankaj Paswan, Son of Shri Ram Yug Paswan, resident of village- Sonpur, P.O. Chandra Pur, P.S.- Tilaiya, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Personnel Government of Bihar, Patna.
3. The Secretary, Central Selection Board (Constable Recruitment) Patna.
4. The Chairman Central Selection Board (Constable Selection) Patna.
5. The Public Information Officer, Central Selection Board (Constable Recruitment), Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sajid Salim Khan Mr. Rajendra Prasad
For the Respondent/s	:	Mr. Rajesh Kumar
For the CBSE	:	Mr. Sanjay Pandey Mr. Binod Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 13-10-2015

13.10.2015

Heard learned counsel for the parties.

Petitioner was one of the applicants for the post of Constable, which was Advertisement No. 1 of 2014. After having gone through the process of selection, when he did not inform from the respondents as to the status of his appointment he filed an application under Right to Information Act. Information has been provided by the Central Selection Board for Constable, which is Annexure-1, dated 18.08.2015.

Petitioner is seeking quashing of the said



communication. It is evident from reading of Annexure-1 that the claim of the petitioner for appointment had been rejected by the respondent authorities because there is mismatch between his date of birth as disclosed by him in the application form viz-a-viz the date of birth in his matriculation certificate. The date of birth of the petitioner as indicated in the application form is 10.10.1992, whereas his actual date of birth as per matriculation certificate is 10.10.1991.

Respondents were directed to respond to the writ application as why on such a minor mistake committed on part of the petitioner, he should be denied the valuable right for appointment as is the submission of the counsel for the petitioner.

The respondent authorities have filed a detailed counter affidavit. They have taken a stand that the advertisement as well as the application form clearly cautioned the candidates that all disclosures must be truthful disclosures and any variation in the facts may lead to cancellation of the right of selection or appointment.

It is also their stand that rejections of such kind have been made in each and every case. The date of birth has a significance in matters of such

appointment, because in case of tie, the person elder in age has to be given weightage viz-a-viz a junior.

The Court was also informed that since many of these candidates have also applied in more than one place, therefore, there was also deliberate tweaking in either the date of birth or the father's name etc. to take advantage of selection process in more than one district or region.

Whatever be the tricks, which may have been applied by the candidates, but there has to be consistency of policy and a uniform yardstick has to be maintained. If somebody has voluntarily made wrongful disclosure as significant as date of birth and since petitioner is a literate person, obviously, such disclosure or declaration was made with oblique motive. This Court had occasion to consider similar matters earlier and has rejected the prayer of similar kind for similar kind of reasoning and rational. One of them is C.W.J.C. No. 4166 of 2015.

In totality, therefore, the decision of the respondents not to offer appointment to the petitioner is attributable to the petitioner himself and there is no element of arbitrariness involved.

Further, the Court` is constrained to record

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that since Annexure-1 is only information given under Right to Information Act, there may not be any occasion to quash that information as such, because that only indicates the factual position as to why the petitioner was not selected.

Writ application has no merit, it is dismissed.

(Ajay Kumar Tripathi, J.)

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