

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16804 of 2008

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Ram Kumar, son of Indradeo Singh, resident of village Khutaha, P.S. Barahiya, district- Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Department of Home (Police), Government of Bihar, Patna
3. The Director General cum Inspector General of Police, Bihar, Patna
4. Additional Director General of Police, Bihar Military Police, Bihar, Patna
5. Inspector General of Police, Bihar Military Police, Bihar, Patna
6. Deputy Inspector General of Police, Bihar Military Police, Bihar, Patna
7. Commandant, Bihar Military Police-8, Begusarai
8. Chairman, Selection Board, North Division-cum-Commandant, B.M.P-13, Darbhanga
9. Jharkhand Armed Police-3, Govindpur, Dhanbad
10. Mirtunjay Kumar, son of Sri Binod Singh, resident of village Mahua Ramrai, P.S. Mahua, district Vaishali, at present posted as Constable in B.M.P.-8, Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur,
Mr. Md.Imteyaz Ahmad

For the State of Bihar : Mrs. Jahan Ara, AC to AAG – V

For Jharkhand State : Mr. Md. Nazir Ansari, JC to
Mr. Dhruva Mukherjee

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

5 18-09-2015 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner seeks a direction upon the respondents to consider his case for appointment on the post of constable in BMP-8, Begusarai as also to set aside the appointment of the private respondent no. 10.

The petitioner had applied for appointment on the post of constable pursuant to advertisement no. 3/2004 in BMP-8,

Begusarai. After having successfully completed the physical test in the merit list he was placed at Sl. No. 52. It is the stand of the petitioner that he was thereafter directed to come for medical test on 24.7.2008 but informed on the said date that private respondent no. 10 had been selected.

The stand of the respondents in this regard is that on account of the information given by this petitioner the matter had been looked into and it was found that the private respondent no. 10 had been dismissed from service after departmental proceeding by order dated 13.7.2010 as constable in Jharkhand Armed Police No.3 where he was working since 4.6.2007; upon verification of such information the appointment of respondent no. 10 was cancelled but the claim of the petitioner for being given the said post is not valid for various reasons including the fact that the respondent no. 10 was at Sl. No. 41 whereas the petitioner was at Sl. No. 52 of the merit-cum-waiting list and he could not be the immediate beneficiary for such appointment and for the reason that the petitioner was much below in the merit list, he had not been called for medical test and there was no question of calling him for the same.

In view of the aforesaid fact, it is evident that even if on the cancellation of appointment of respondent no. 10, the

vacancy caused were to be filled up, the same could only be filled up with the next candidate in the merit-cum-waiting list and not the petitioner who is way below. Thus, no relief can be granted to the petitioner.

The writ application is therefore, dismissed.

(Ramesh Kumar Datta, J)

S.Pandey/-

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