

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.575 of 2014

IN

Civil Writ Jurisdiction Case No. 12001 of 2013

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1. Md. Irfan Ali, S/O Md. Kamruddin Ansari Resident of Village - Jagdishpur, P.S. - Jagdishpur, District - Bhojpur.

2. Ravi Ranjan Kumar, Son of Sri Ramprit Singh, Resident of Village - Moniyampur, P.S. - Nagarnausa, District - Nalanda.

.... Petitioners-Appellants

Versus

1. The State of Bihar .

2. Principal Secretary, Home (Police) Department, Govt. of Bihar, Patna.

3. Director General of Police, Bihar, Patna.

4. Chairman, Central Selection Board, Constable, Bihar, Patna.

5. Central Selection Board, Constable through its Secretary, Computer Bhawan, Jawahar Lal Nehru Marg, Patna - 23.

Respondents-Respondents 1st Set.

6. Anjan Kumar, Son of Bijay Paswan, Resident of Village/Mohalla - Kumbhi, P.S. - Warsaliganj, District - Nawada.

7. Pappu Paswan, Son of Rajo Paswan, Resident of Village/Mohalla - Haveli, P.S. - Bihar Sharif, District - Nalanda.

8. Rahul Prasad, Son of Srikant Rawat, Resident of Village/Mohalla - Chandipur (Saur), P.S. - Warsaliganj, District - Nawada.

9. Birendra Kumar, Son of Late Ram Bali Paswan, Resident of Village/Mohalla - Chak Jalal, P.S. - Bhadaur, District - Patna.

10. Abhishek Kumar, Son of Late Kapildeo Mandal, Resident of Village/Mohalla - Karsop, P.S. - Shambhuganj, District - Banka.

11. Mithilesh Kumar Yadav, Son of Suresh Yadav, Resident of Village/Mohalla - Chandela, P.S. - Fullydumar, District - Banka.

12. Mani Shankar Diwakar, Son of Surendra Kumar Diwakar, Resident of Village/Mohalla - Nakatpura, P.S. - Biharsharif, District - Nalanda.

13. Prakash Kumar, Son of Sri Gupta Singh, Resident of Village/Mohalla - Shankar Bigha, P.S. - Konch, District - Gaya.

14. Ajay Raut, Son of Shivan Raut, Resident of Village/Mohalla - Amarsingh Bigha, P.S. - Sare, District - Nalanda.

....Petitioners-2nd Respondents

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Appearance :

For the Appellant/s : Mr. Pramod Kumar

For the Respondent/s : Mr. PRASHANT PRATAP

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 22-07-2015

This Letters Patent Appeal is preferred against



the order dated 17.2.2014, passed by the learned single Judge in C.W.J.C. No.12001 of 2013. Petitioner Nos.10 and 11 in the writ petition are the appellants. The matter pertains to the appointment to the post of Constables in the State of Bihar. Notification in this behalf was issued on 31.5.2012. The grievance of the petitioners was that though they have secured fairly higher marks and had qualified at the physical test, they were not selected.

A detailed counter affidavit was filed on behalf of the respondents. It was pleaded therein that most of the petitioners have furnished wrong information as to their social status as well as the reservation category, in particular the one made in favour of Home guards. As regards the appellants herein, it was mentioned that though the candidates who secured the same marks as the appellants were selected, it so happened that the date of birth of the last candidate selected was earlier in point of time. Learned single Judge dismissed the writ petition.

Heard Shri Pramod Kumar, learned counsel for the appellants and Shri Prashant Pratap, learned counsel for the respondents.

There is not much controversy about facts. The principal contention raised in the counter affidavit, is about



the so called misstatements of facts in the application forms. We are not at all impressed with that. If a candidate is otherwise found to be eligible on the basis of the marks secured by him and performance in the physical test, the fact that a small inaccuracy occurred in the application, form should not make much of difference. Ultimately, the candidate is required to satisfy the authorities as regards the social status or other bases of reservation.

The two appellants herein belong to the E.B.C. and B.C. categories respectively. In the E.B.C. category, the last selected candidate secured 147 marks. It is, no doubt, true that the 1st appellant also secured the same marks. However, since there was tie between the two candidates, the selection was to depend upon the age. The date of birth of the last selected candidate was 15.5.1987 whereas that of the 1st appellant is 20.12.1987. Similarly, the last selected candidate in B.C. category secured 177 marks and so did the 2nd appellant. However, he was not selected because the date of birth of the last selected candidate is 1.4.1992 whereas that of the 2nd appellant is 15.3.1992.

It is brought to our notice that the 2nd appellant has since been appointed as a Constable. Since the 1st appellant is younger to the last selected candidate, we do not

find any basis to interfere with the order under appeal.

Letters Patent Appeal is dismissed.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Anjana Mishra, J)

K.C.jha/-
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