

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7918 of 2015

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Om Praksh Mehta S/o Ram Lakhan Mehta, resident of village- Udampur,
P.S.-Chhatapur, District- Supaul.

.... Petitioner/s

Versus

1. The Union of India through The Secretary, Ministry of Home, Government of India.
2. The Director General, Sashastra Seema Bal(S.S.B.), East Block-V, R.K. Puram, New Delhi- 110066.
3. The Additional J A G (Litigation), FHO, S.S.B., New Delhi.
4. The Inspector General, Frontier Head Quarters, S.S.B. Rukanpura, Bailey Road, Patna-1.
5. The Assistant Director(Recruitment), office of the Director General, S.S.B. New Delhi.
6. The Commandant, 24th Batallian, S.S.B. Bhilai, District Durg (Chattisgarh).
7. The Assistant Commandant, J A G; Frontier HOS, Patna-1

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv

For the Respondent/s : Mr. Sanjay Kumar(ASG)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 19-05-2015 Heard learned counsel for the parties.

While this Court would overrule the office note as with regard to maintainability of the writ application, inasmuch as, the petitioner has fresh cause of action against the order dated 09.03.2015, this Court would not find any merit in the application because the petitioner has not said a word as to whether any person in his category i.e. OBC (frontier district) was

appointed on the post of Constable, in which, he was declared ultimately medically fit.

By now it is well settled that merely because someone's name find place in the select panel, he does not have indefeasible right of being appointed as was held by the Constitution Bench of the Apex Court in the case of the **Shankarsan Dash Vs Union of India** reported in **1991(3) SCC 47**.

When the petitioner has not made any pleading while assailing the impugned order dated 09.03.2015 contained in Annexure-8, relevant portion whereof reads as follows:-

"In compliance of Hon'ble High Court, Patna judgment order dated 14.01.2015 on C.W.J.C No. 16626 of 2013, a Special Review Medical examination was conducted at FTR Hqrs SSB Patna on 14/2/2015. You have been declared medically fit by the Medical Board.

On revision of result for the post of Constable (GD) of Border Districts of Bihar State 2013, it was found that the cut-off marks of OBC Category candidates is higher than the marks obtained by you. Hence you could not find place in the selection list for the post of CT(GD)-2013 against the advertised vacancies of OBC category for Bihar State."

this Court would find it difficult to grant any relief to the petitioner.

Nonetheless, this Court can only give liberty to the petitioner to demonstrate his case before the Director General, S.S.B., New Delhi, respondent no. 2, that any candidate in course of selection in the category of OBC (frontier district) having lesser marks than him has been appointed, and if the petitioner, successfully demonstrate this aspect, the order dated 09.03.2015, shall not stand in the way of the Director General, S.S.B., New Delhi to take a fresh decision as may be permissible in law.

Subject to the aforementioned observation and liberty, this application is disposed of.

(Mihir Kumar Jha, J)

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