

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9396 of 2015

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1. Munna Prasad son of Ram Lal Sah resident of village- Gorasara, Post Office- Ramgarh, P.S. Ramgarh, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home, Bihar, Patna.
2. The Secretary, Bihar Staff Selection Commission, Post – Veterinary College, Patna-14.
3. The Inspector General, Jail, Bihar, Patna.
4. The Director, Kara and Sudhar Sewaye Nirikshanalaya, Home Department, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Garg
For the Respondent State : Dr. Punam Kumari Singh, AC to GP 4
For the Staff Selection
Commission : Mr. Kamala Kant Upadhyay
Mr. C B Das

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 15-09-2015

Heard counsel for the petitioner, counsel for the Staff Selection Commission and counsel for the State.

Petitioner raised a grievance that he was not selected and appointed on the post of a warden in one of the jails of Bihar. He had many a things to say including the fact that he had passed the written examination and only medical was due. He has also pleaded that people similarly placed as the present petitioner have been appointed but he was not appointed. Primary reason or stand taken by the respondent Staff Selection Commission was that petitioner was not Ex-Service man on the last cut off date of filing of application to which the petitioner pointed out certain

names who were similarly not eligible in the category of Ex-Service men but were appointed.

A supplementary counter affidavit has been filed on behalf of the Staff Selection Commission. They have annexed R/1 where after scrutiny such candidates, numbering 4, have been ousted.

Law is well settled that a person must have all the eligibility before the last cut off date for making such application. There is no dispute that the petitioner was still in the service of Army, therefore, he cannot be treated to be Ex-Army man because he was very much in employment on the date fixed for such application. If there was some oversight because of the number of people involved in the recruitment process, that has been rectified.

In view of the same no order in favour of the petitioner for his appointment is required to be passed. Petitioner lacks basic eligibility in the category in which he had made application.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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