

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15577 of 2008

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Rajeev Kumar Jha son of Shashi Nath Jha resident of village + P.O. Rampur, P.S. Murliganj, District Madhepura.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The D.G. cum I.G. Bihar Patna.
3. The D.I.G. of Police (Administration) Bihar, Patna.
4. The D.I.G. of Police, Koshi Range, Saharsa.
5. The S.P. Madhepura cum Member Constable Selection Committee, Saharsa.
6. The S.P. Saharsa cum Member Constable Selection Committee, Saharsa.
7. The S.P. Supaul cum Chairman Constable Selection Committee, Saharsa

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Teg Bahadur Singh
Mrs. Nirmala Kumari
Mr. Purnendu Nr. Singh
Mr. Binay Kr. Singh

For the Respondent/s : AC to Addl. Advocate General - 2

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 21-09-2015 Heard learned counsel for the petitioner and learned
A.C. to Addl. Advocate General – 2.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for directing the respondents to appoint him as Constable in Koshi Range after quashing **Annexure – 10** i.e. an order contained in Memo No. 507 dated 26-10-2007, whereby representation filed by the petitioner stood dismissed by the order of the Deputy Inspector General of Police, Koshi Range, Saharsa.



Learned counsel for the petitioner submits that though, the petitioner pursuant to Adv. No. 01 of 1998 applied for the post of Constable and finally selected, his joining was subsequently cancelled. He submits that earlier, the petitioner had approached this Court by filing a writ petition, vide C.W.J.C. No. 12060 of 2001, which was disposed of alongwith number of writ petitions, vide oral judgment dated 23rd March, 2007. He submits that the writ petition was disposed of with an observation to file representation before the competent authority and thereafter, the petitioner filed representation before the Inspector General, Bihar, however; the Deputy Inspector General of Police, Koshi Range, Saharsa, without appreciating the claim of the petitioner, rejected the same by **Annexure – 10** to the writ petition, which has been challenged in the present writ petition.

Learned State counsel opposing the payer of the writ petition submits that in earlier writ petition also, a counter affidavit was filed. Learned State counsel has referred to **Annexure – A** to the counter affidavit filed in the present writ petition. **Annexure – A** to the counter affidavit is the counter affidavit, which was filed in the earlier writ petition i.e. C.W.J.C. No. 12060 of 2001. It was specific stand taken by the respondents that the petitioner had violated the Clause – 19 of the Adv. No. 01

of 1998. Learned State counsel submits that in the advertisement, there was categorical declaration that one candidate shall not apply from two places and in case, two applications are filed, the candidature of such candidate shall stand cancelled. Therefore, by referring to the order impugned i.e. **Annexure – 10**, the learned State counsel submits that no illegality has been committed by the Deputy Inspector General, Koshi Range, Saharsa.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. Learned counsel for the petitioner candidly accepted that it is true that the petitioner had appeared from Madhepura district as well as Supaul district, vide roll no. 813 and roll no. 206 respectively. He has also not disputed that the advertisement had contemplated that from two places, if application is filed, candidature shall stand cancelled.

In view of the fact that it is not in dispute that the petitioner had appeared from two places, which was contrary to Adv. No. 01 of 1998, I do not find any error in the impugned order, as such; the writ petition stands dismissed.

(Rakesh Kumar, J.)

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