

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.11192 of 2015**

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1. Dharendra Kumar, Son of Dhrup Singh, Resident of Village - Bambour, P.O. & P.S. - Shivsagar, District - Rohtas at Sasaram.

.... .... Petitioner/s

Versus

1. The Union of India, through the Secretary, Ministry of Home, Govt. of India, New Delhi.
2. The Chairman, Office of Dossier Scrutiny Board, Central Industrial Security Force, Ministry of Home, Govt. of India New Delhi.
3. The Director General Central Industrial Security Force (C.I.S.F.), Ministry of Home, Govt. of India, New Delhi.
4. The Assistant Inspector General, Central Industrial security Force (C.I.S.F.), E.Z., Head Quarter, New Patliputra Colony, Boring Road, Patna - 13.
5. The Assistant Commandant, Member Dossier Scrutiny Board, C.I.S.F., East Zone, Head Quarter, Patna.
6. The Regional Director (C.R.) Staff Selection Commission, 21-23 Lowther Road, Allahabad (U.P.)

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ahtesham Ahmad  
For the Respondent/s: Mr. S.D SANJAY (ADDL. SOC. GEN.)  
Mrs. Nivedita Nirvikar, CGC

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**  
**ORAL JUDGMENT**  
**Date: 09-11-2015**

Petitioner raised a hue and cry against the non-selection on the post of a constable under CISF for which he made an application.

Based on the declarations made by the petitioner, the Staff Selection Commission, Central Region, carried out the exercise but ultimately petitioner has not been appointed, therefore, a writ was filed.

There was some issue relating to medical fitness initially

but however, a Review Medical Board found the petitioner to be medically fit, therefore, he has a right for selection and appointment as is his claim.

The reasons indicated in the counter affidavit, filed on behalf of the Union of India, are cogent reasons for non-appointment of the petitioner.

The Union of India in the counter affidavit has indicated that the petitioner had made declarations that he was a domicile of Uttarakhand and belonged to SC category. In support thereof, the authorities wrote a letter to him as far back as on 16.7.2014 to furnish evidence of domicile as well as caste certificate to enable them to process the appointment on the post of a constable.

Petitioner has failed to do so till date and this is the primary reason for holding up his appointment.

Counsel representing the petitioner now takes a plea that by mistake State code was wrongly filled in the application as Uttarakhand though he is domicile of Bihar and he belongs to OBC category.

If the whole exercise has been done on the basis of the declaration made by the petitioner, he cannot be given the benefit of hiding behind the fact that it was a mistake committed on his behalf. He is a literate person. While filling up application he was supposed

to know as to which code matches where and there is a huge variation between the code of Uttarakhand and Bihar as well as the caste. It is a case of mis-declaration and reliance of the petitioner on an order of a learned Single Judge passed in the case of **Shashi Kant vs. Union of India, which is CWJC No. 305 of 2013** holding that such mistakes are superficial, does not reflect the true legal position. Therefore, the respondents cannot be held responsible for any kind of omission on their behalf for non-appointment of the petitioner. The fault lies with the petitioner.

If the petitioner still provides evidence of domicile and caste certificate, the selection board is still willing to consider the case of the petitioner.

Writ is otherwise dismissed with the liberty as above.

**(Ajay Kumar Tripathi, J)**

R.K.Pathak/-

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