

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14495 of 2016

1. Riya Kumari daughter of Sri Upendra Prasad Sharma Resident of Village and P.O. Hathiawan, P.S.Sheikhpura, District-Sheikhpura

.... Petitioner/s

Versus

1. The Central Selection Board (Constable Selection), Bihar Patna through the Chairman, Sri Sai Tara Complex, I. A.S. Colony, Jawahar Lal Nehru Marg, Patna

2. The Central Selection Board (Constable Selection), Bihar Patna, Sri Sai Tara Complex, I. A.S. Colony, Jawahar Lal Nehru Marg, Patna

3. The Secretary, Central Selection Board (Constable Selection), Bihar, Patna, Sri Sai Tara Complex, I.A.S. Colony, Jawahar Lal Nehru Marg, Patna

4. The Officer on Special Duty, The Central Selection Boards (Constable Selection), Bihar Patna Sri Sai Tara Complex, I.A.S. Colony, Jawahar Lal Nehru Marg, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr S.B.K.Mangalam
Ms. Anita Kumari

For the Respondent/s : Mr. Sanjay Pandey

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 15-11-2016

The facts of the case of the present petitioner is not unique of its kind which can compel this Court to make a distinction for extending relief by passing a direction upon the respondents to appoint the petitioner on the post of a Constable.

Petitioner was an applicant against advertisement no.1 of 2014 for appointment on the post of a Constable. Right from the advertisement, directions were issued to one and all that every applicant must ensure that the declaration, which is made with regard to the entries in the application form, must match with the actuals. Any discrepancy or failure gave power to the respondents to reject such an application.

Despite such directives there has been failure on the part of the candidates to correctly fill in the details in the application forms and such facts emerged during verification of the originals while the candidates were to be subjected to physical test etc.

In view of such instructions and the stand of the Board, claims of many candidates came to be rejected. Such candidates run into hundreds. Discrepancy could be in date of birth, name, name of father etc. etc.

In the present case, the petitioner had mentioned her date of birth as 1.2.1995 whereas in her matriculation certificate the date of birth has been mentioned as 2.1.1995. This mismatch was the reason for rejection of the candidature of the petitioner and, therefore, the writ application.

Learned counsel representing the petitioner submits that there was no mischief or intention behind the mistake committed by the petitioner. It was a sheer omission in filling in the details and the petitioner did not want to beget any kind of extraordinary advantage by that mis-declaration.

The stand of the Central Selection Board for Constable is that the Board has gone by the directive and the yardstick laid down for such selection. In fact, this compelled some candidates, whose candidature have been rejected earlier, to approach the Court also but the Court for the reasons indicated in the two orders, which are

annexed as Annexures D and E to counter affidavit, rejected the writ applications on the ground that the Board committed no error in applying a uniform policy and yardstick. In fact, the Court is also of the opinion that if subjectivity is allowed to prevail in such decision making then there will be bound to be allegations of pick and choose.

Since the Court has approved such uniform yardstick for rejection in two previous writ applications i.e. Annexures D and E of the counter affidavit, the rational and reasoning provided therein for rejection also applies to the case of the present petitioner. The Court, therefore, will not exercise its discretion by making any concession in favour of the petitioner however innocuous the omission or mistake may seem to be on the surface.

In view of the above, the Court is not inclined to pass any direction upon respondents to ignore the mismatch between the date of birth of the petitioner indicated in the application form vis- a-vis the certificates which were produced by the petitioner at the time of physical verification.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

sk

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.11.2016
Transmission Date	NA