

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7311 of 2013

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Banti Kumar S/o Bipin Prasad R/o at Chandra Nagar, P.O.- Koshi College, P.S.-
Muffasil, District- Khagaria.

.... Petitioner/s

Versus

1. Union of India through Home Secretary, Department of Personnel and Training, Government of India.
2. Secretary, Department of Personnel and Training, Government of India.
3. Secretary, Staff Selection Commission, Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Block 12, Kendriya Karyalay Parisar, Lodhi Road, New Delhi.
4. Regional Director (Cr), Staff Selection Commission Allahabad, 8, A-B, Beli Road, Allahabad- 211002.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siddartha Prasad, Adv.
For the Respondent/s : Mr. Kanak Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 20-04-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking relief of
appointment in the Paramilitary Forces.

The petitioner has appeared in the examination of
the Staff Selection Commission for the post of Constable (GD) in
BSF/CISF/CRPF/SSB and Rifleman (GD) in Assam Rifles. Claim
has been made in the writ application that the petitioner and another
candidate have obtained the same marks, but another person has
been appointed and the petitioner has been left to lurch.

A counter affidavit has been filed by the Staff Selection Commission where in paragraph-10 it has been explained that in what manner the Tie cases will be resolved. If there is a Tie case, the person having better marks in the written examination will be given preference to the another. In paragraph-13 it has been stated that the petitioner and Shashi Ranjan have secured the same marks, but Shashi Ranjan has better marks in part 'A', i.e., in the written examination and on that account, Shashi Ranjan has been selected and appointed in the C.R.P.F.

The counsel for the petitioner has fairly submitted that in view of the statement made in the counter affidavit, the petitioner cannot be appointed. As per Annexure-R/4, the petitioner cannot claim that he should be appointed in place of Shashi Ranjan.

In view of the statement made at the bar, this Court does not find any merit in the present case and the same is, accordingly, dismissed.

(Shivaji Pandey, J)

Mahesh/-

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CAV DATE	
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Transmission Date	