

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10882 of 2011

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Mandip Kumar Singh, son of Late Raj Dayal Singh, resident of Ekawana,
Bhaiya Tola, P.O. Ekawana, P.S. Barhara, Distt. Bhojpur at Ara-802311
..... Petitioner

Versus

1. The Union of India through the Director General, Recruiting Army Head
Quarter, New Delhi
2. The Director General Recruiting Army Head Quarter, New Delhi
3. The Brigadier Head Quarter Rtg Zone Danapur Cantt. Danapur, Patna
4. The Colonel, Head Quarter, Danapur Cantt. Danapur, Patna
5. The Administrative Officer, Officiating Deputy Director General
Recruiting Head Quarter Recruiting Zone(Bihar and Jharkhand), Danapur
Cantt Danapur, Patna
6. Sri Gautom Kumar, son of Sri Rohit Lal, through Administrative Officer
Officiating Deputy Director General Recruiting Head Quarter Recruiting
Zone(Bihar and Jharkhand) Danapur Cantt. Danapur, Patna

..... Respondents

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar Singh

For the Respondent/s : Mr. Anjani Kumar Sharan, CGC

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

12 03-08-2016

Heard Sri Vinay Kirti Singh, learned counsel for the

petitioner, Sri Anjani Kumar Sharan, learned Central Government
Counsel as well as learned counsel for private Respondent no.6.

The petitioner has approached this Court, invoking
its writ jurisdiction under Article-226 of the Constitution of India,
with a prayer to direct the Respondents to consider his case for
selection on the post of Civilian Motor Driver with all
consequential benefits. It has been claimed that the petitioner,
pursuant to advertisement i.e. Annexure-1 to the writ petition,
which was issued vide Employment Notice No.

Civ/3121/Establishment/2010 from the office of Respondent Colonel Administrative Officer, Danapur Cantt., had applied and participated for being appointed against one unreserved post. It has been claimed that the petitioner obtained 57 marks out of 100. However, Respondent no.6, who was from the reserved category, was appointed against unreserved one post.

In this case, a counter affidavit has been filed and a specific stand has been taken that Respondent no.6 had obtained 77 marks out of 100 and the petitioner has obtained only 57 marks. It has been categorically stated that Respondent no.6 having secured higher marks than the petitioner has rightly been appointed.

Learned counsel for the petitioner tried to persuade the Court that the petitioner being candidate of the unreserved category may be appointed. It is not a case of the petitioner that the candidate, who has been selected, was having lesser marks than the petitioner.

In view of facts and circumstances, particularly the fact that the petitioner had obtained lesser marks than the Respondent no.6, there is no reason to pass any favourable order.

The petition stands dismissed.

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(Rakesh Kumar, J)