

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15579 of 2011

=====

Shiv Kumar S/o Rambali Choudhary Village- Wasilpur, P.O.- Arwal, P.S.-
Arwal, District- Arwal

.... Petitioner/s

Versus

1. The State Of Bihar Through Director General Of Police, Bihar, Patna
2. The Central Selection Board (Constable Recruitment), Bihar, Patna
3. The Chairman Central Selection Board (Constable Recruitment), Bihar,
Patna
4. The Secretary, Central Selection Board (Constable Recruitment), Bihar,
Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra

For the Respondent/s : AC to AAG 11

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

5 19-04-2016 Heard Sri Sanjay Kumar Mishra, learned counsel for

the petitioner, learned AC to AAG No. 11 as well as learned

counsel, who has appeared on behalf of the respondent / Central

Selection Board (constable recruitment).

The petitioner, has approached this Court invoking its writ jurisdiction with a prayer to direct the respondents to appoint him as 'Constable'. It has been claimed that pursuant to Advertisement No. 02 of 2009 the petitioner applied for the post of 'Constable'. He participated in the written examination and physical test. He qualified and thereafter, result was published vide Annexure - '5' to the writ petition. In Annexure - '5' the petitioner was shown selected and selected candidates were asked to obtain appointment letter even thereafter the petitioner was not

allowed to join whereas, in the counter affidavit filed on behalf of the respondent/ Central Selection Board (Constable Recruitment) it has been indicated that after the first publication of the result the matter was examined by this Court and order was passed for re-examining the same. Finally, thereafter the case of all the selected candidates were examined and final result was published. A stand has been taken in paragraph no. 17 of the counter affidavit that petitioner was in the category of Scheduled Caste Male Non Home Guard (SC-M-NHG). A specific stand has been taken that petitioner has secured lesser marks than the last recommended candidate in his category. The petitioner has obtained only 71 marks whereas cut –off- marks in his category was 74 marks. After the filing of the counter affidavit no reply has been filed by the petitioner. Meaning thereby, that the stand taken in paragraph no. 17 of the counter affidavit is uncontroverted. In view of the fact that none of the candidates having lesser marks than the petitioner have been recommended for being appointed, there is no reason to pass any favourable order.

The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

U			
---	--	--	--