

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11869 of 2013

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1. Ajay Kumar Son Of Sri Bal Kishun Singh Resident Of Village-
Manjhauli, P.S.- Bakhtiyarpur, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Director General Of Police, State Of Bihar, Patna
2. The Principal Secretary, Department Of Home (Police), Government Of Bihar, Patna
3. The Principal Secretary, General Administration Department, (Personnel Administrative Reform Department), Government Of Bihar, Patna
4. The Central Selection Board Of Constable, Bihar, Patna, Through Its Secretary
5. The Chairman Of Central Selection Board Of Constable, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Prasad,
For the State	:	Mr. Syed Iqbal ahmad, SC 20
		Mr. Puspanjali Sharma, Ac to SC
For the C.S.B.C	:	Mr. Mr. sanjay Pandey,
		Mr. Binod Kumar Mishra,
		Mr. Vivek Anand Amritesh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 09-09-2016 Heard the parties.

In present writ petition, petitioner has prayed for a direction to the respondents to produce a copy of the order of the appropriate authority of the Central Selection Board of Constable, Patna, who declared him disqualified during course of physical evaluation test.

Petitioner has applied for the post of constable for working as Home Guard belonging to B.C. category. Petitioner passed in the written examination. Thereafter a fresh admit card was issued for physical evaluation test was held on 20.4.2013 where he was declared disqualified on

account of over age.

Learned counsel for the petitioner submits that age will be counted on the day when the advertisement was published not on the date when physical verification was conducted.

In the counter affidavit Board has brought certain materials, which indicate that petitioner has been made an accused with respect to committing theft of mobile phone which was recovered from his possession.

Learned counsel for the petitioner submits that though petitioner cannot claim for issuance of mandamus but this Court may direct to consider the case of the petitioner in accordance with law.

If such person will be allowed to be inducted in the service of constable citizenry will loose faith in the system. If such constable against whom charge of theft has been made, will be appointed, what type of police force will be?

In such circumstances, this Court is not inclined to exercise the discretion in favour of the petitioner.

Accordingly this writ petition is dismissed.

Vinay/-

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(Shivaji Pandey, J)