

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14122 of 2013

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Awadhesh Kumar Son Of Nand Lal Prasad Resident Of Village - Tika Bigha,
Police Station Warsaliganj District - Nawadah

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary Government Of Bihar, Patna
2. The Home Commissioner, Bihar, Patna
3. The Director General Of Police-Cum-Inspector General Bihar, Patna
4. The Inspector General Of Police, Bihar Military Police, Bihar, Patna
5. The Deputy Inspector General Of Police, Magadh Division, Gaya
6. The Superintendent Of Police, Nawadah

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. K.P. Gupta, GP-10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 10-11-2016

No one appears for the petitioner. Yesterday also no one was present on behalf of the petitioner. Learned counsel for the State is present.

This Court has no other alternative but, to pass an order on merit of the present case. The petitioner had applied for the post of Constable against the advertisement being Advertisement No. 01/2004, 2/2004 and 3/2004. As the petitioner has claimed that he has applied for the post of constable, his is roll number 1287 and application serial no. was 803109 and belongs to the BC-2 Category which is absolutely clear from Annexure-5. The petitioner appeared in the physical Eligibility Test along with the other candidates in the



Magadh Division, in the district of Nalanda. The petitioner got his position in the successful category of candidate. In the meantime, the Government canceled the physical test but again the date was fixed by the respondent for physical Eligibility Test. Accordingly, the petitioner participated in the Physical Eligibility Test in the Nalanda District, this time also he was declared successful. Several successful candidates filed writ application being CWJC No. 5220 of 2009 which was dismissed. Again, LPA No. 831 of 2009 was filed which was allowed. In that case, a direction was given to the respondents authorities to ascertain the actual number of vacancies available on the date of publication of the advertisement in the year 2004 and also prepare a fresh merit list of the candidates who were declared successful and eligible after the regular recruitment process and same shall be considered in accordance with rule. Thereafter, an advertisement was published being Advertisement No. 1/2009 for further appointment of Constable in Bihar Police Force which included the vacancy of the year 2004.

It has been averted that the petitioner submits that the petitioner was successful in the test but, has not been appointed till date, made a prayer for his appointment.

A counter affidavit has been filed wherein a stand has been taken that the roll number, which has been given in the writ

petition, is 1287 which is of another person namely Dhananjay Kumar, son of Dharmadeo Prasad of Talpura Pakrivarawa/Chokhar, Dist. Nawada who had not appeared in the Physical Test. Therefore, the basic fact with regard to the appearance of the petitioner and his roll number is completely incorrect. In that view of the matter, the claim of the petitioner for selection and appointment does not arise when the petitioner has given the roll number of another person.

That being so, this court does not find any merit in this application and the same is, accordingly, dismissed

(Shivaji Pandey, J)

Rishi/-

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