

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15339 of 2013

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1. Md. Sanjar Alam Son Of Izhar Alam Resident Of Sitananbad North, Punchbighi,
Ward No.06, P.S. Simri Bakhtiarpur, District - Saharsa

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Home,
Government Of Bihar, Patna
2. The Director General Of Police, Bihar, Patna
3. The Superintendent Of Police, Saharsa
4. The Central Selection Board (Constable), Bihar, Patna Through Its Secretary

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. PRAMOD MISHRA
For the State : Mr. G.P. Ojha,
Mr. Praveen Kumar, Advocates.
For the Board : Mr. Sanjay Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 25-04-2016

Heard the parties.

In the present writ petition, petitioner has raised a grievance that he has wrongly been deprived of the appointment to the post of constable. As per claim, the Government of Bihar issued an advertisement vide Advertisement No.1 of 2012 for the purposes of selection of constable through Central Selection Board (Constable), Bihar, Patna. In pursuance thereof he has applied for the said post and after qualifying the written examination at the time of physical evaluation-cum- verification produced all certificates including the caste certificate but has

wrongly been shown absence marks to submit the caste certificate on that account the petitioner has been deprived for the appointment of constable.

Learned counsel for the Board has filed counter affidavit as well as supplementary counter affidavit where a plea has been taken that the petitioner has submitted only three documents, namely, provisional certificate issued from the Bihar Examination Board, provisional certificate from the Bihar Intermediate Council and certificate with regard to domicile certificate dated 4.4.2013. He has not produced the caste certificate claiming that he belongs to EBC caste where as counsel for the petitioner submits that petitioner has obtained the caste certificate three weeks earlier to the date of physical verification and it is not expected from a candidate that he will not produce the caste. Some mischief has committed with him showing him that he did not submit caste certificate of EBC category.

From the record it appears that in the advertisement as well as in the admit, card it has specifically mentioned that candidate must produce all certificates in original, such as matriculation certificate, domicile certificate and caste certificate at the time of physical test. In such circumstances the candidate who applied

for the post of constable was required to produce all the certificates including the caste certificate. He has submitted that in fact he has produced the caste certificate but has wrongly been shown none. Annexure E to the counter affidavit shows that in the column of certificate it has been shown “no” and at the bottom the petitioner put his signature in Hindi as well as in English.

In such view of the matter, it is very difficult for this Court to arrive at a definite conclusion that petitioner had filed his caste certificate. Petitioner, if so advised, may seek other remedy before the appropriate forum.

Accordingly this writ petition is dismissed.

(Shivaji Pandey, J)

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