

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6836 of 2015

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1. Sandeep Kumar. Son of Shree Manilal Keshri. Resident of Mohalla -
Masudbigha, Kalali Road, P.S.- Barh, P.O.- Barh, District - Patna.

.... Petitioner/s

Versus

1. The Union of India, through Secretary Staff Selection Commission, Head Office,
New Delhi.

2. Secretary, Staff Selection Commission, (CR) Allahabad.

3. Staff Selection Commission, Department of Personnel and Training, Allahabad.

4. Ministry of Personnel Public Grievances and Pension, Lodi Road, New Delhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha

For the Respondent/s : Mr. Rajesh Kumar Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 11-01-2016

Petitioner filed the writ application seeking a direction upon respondent Food Corporation of India to appoint the petitioner on the post of an Assistant either in the West Zone or South Zone since he has the requisite cut-off marks in the general category having 259 marks.

Certain basic facts are not in dispute that in terms of the advertisement dated 29.10.2011 applications were invited on various posts indicated in Annexure- R/5 annexed with the counter affidavit. There are directions which were issued to all the candidates both with regard to the preference in relation to the zone as well as the post which the candidates were interested in being considered for such selection.

Petitioner was one of the applicants. He himself has annexed Annexure-7 as the application form with regard to his option zone wise and post wise.

On the basis of the performance of the petitioner his recommendation was made on the post of an AGIII (Accounts) but then it seems that the petitioner does not have the requisite qualification for being appointed on the post of AGIII (Accounts). The writ application thereafter has been filed alleging many a things against the respondents as to how this has been deliberately done to defeat the right of the petitioner from being appointed as an Assistant.

Since the petitioner was harping on certain non-declaration with regard to the post on previous occasion when the matter was taken up, the Court directed the counsel for Union of India to produce the original application form of the petitioner. The same has been produced today and a copy of the same has been handed over to counsel for the petitioner also. The Court does not find any variation in Annexure- 7 or the original application of the petitioner which was required to be submitted online.

The clear and categorical stand of the respondents in their counter affidavit, which crystallizes the entire issue with regard to so-called wrong committed against the petitioner is in paragraph 29, which is reproduced herein below :



“29. That statement contained in paragraph no.12 (I to VI) of the writ petition under reply has already been dealt with in the preceding paragraphs. However, it is again submitted that the petitioner was declared qualified with Rank no.SL/0749 against the vacancies allotted to Zone ‘C’ to the post of AG III (Accounts) i.e. post code ‘B’ on the basis of his merit, option of Zone exercised by him and the preference of posts opted by the petitioner. Accordingly, the dossier of the candidate was forwarded to the office of FCI by SSC letter no.221/SSC-CR/2012 Nom. (FCI) dated 24.09.2012 (inadvertently mentioned as 24.8.2012 in the forwarding letter) for issuance of offer of appointment after completing required formalities as prescribed in the Notice of the Examination.

It is pertinent to mention here that it was very clearly mentioned in the Notice of the examination that selection will be made zone wise first and then post wise within the zone and the result of the petitioner and other candidates was processed accordingly.

The petitioner opted Zone ‘C’ as his first zone preference, accordingly his result was processed for all the post preference within zone ‘C’ opted by him in his application form.

The first post preference opted by the petitioner was ‘A’ for which last selected candidate of his category had scored 263.25, whereas petitioner scored 259 and he failed to find place in ‘A’ under zone ‘C’ due to his low merit. The second post preference opted by the petitioner was ‘B’ for which last selected candidate of his category had scored 242.25 and petitioner found place for post preference ‘B’ as marks obtained by him

was more than the last selected candidate. It is also submitted that marks obtained by the petitioner was more than the marks obtained by the last selected candidate of unreserved category for post preference 'B' under zone 'C', hence the petitioner was considered as qualified under general standard.

Accordingly, the petitioner was declared qualified with Rank No.SL/0749 against vacancies allotted to Zone 'C' to the post of AGIII (Accounts) i.e. post code 'B' on the basis of his merit, option of Zone exercised by him and the preference of posts opted by the petitioner. Accordingly, the dossier of the candidate was forwarded to the office of FCI by SSC letter no.221/SSC-CR/2012 Nom. (FCI) dated 24.09.2012 (inadvertently mentioned as 24.08.2012 in the forwarding letter) for issuance of offer of appointment after completing required formalities as prescribed in the Notice of the Examination.

In similar matter where also a candidate approached the Hon'ble High Court and claimed that he belongs to OBC category but due to mistake he failed to fill up the same in his application form. The Hon'ble High Court, Allahabad while going through the factual position dismissed the writ petition no.62684/2014 vide order dated 02.12.2014 and clearly observed that it is the responsibility of the petitioner to fill his application as per the instruction contained in the Notice of the Examination.

In similar matter where also a candidate wrongly filled his application form approached the Hon'ble High Court, Patna for rectification of error in filling up the application. The Hon'ble High Court, Patna

dismissed the CWJC no.1240/2015 alongwith CWJC No.22487/2014 by a single order dated 08.05.2015 and upheld the decision of respondents.”

Nothing further is required to be said or added over and above the position which emerges from paragraph 29 as to the reason why the petitioner was not and cannot be appointed as an Assistant. There is no wrong doing on part of the Staff Selection Commission in making recommendation which is in conformity with the declaration of the petitioner in application form before them.

Writ application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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