

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13210 of 2013

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Madhukant Singh, Son of Mr. Girish Nandan Singh, Resident of Village- Rajapur,
P.S.- Koilwar, District- Bhojpur (Arrah)

.... Petitioner

Versus

1. The State of Bihar, through the Director General of Police, Bihar, Old Secretariat, Patna.
2. The Inspector General of Police Budget/Appeal/Welfare, Old Secretariat, Bihar, Patna.
3. The Inspector General of Police, Head Quarter, Old Secretariat, Bihar, Patna.
4. The Deputy Inspector General of Police Head Quarter

.... Respondents

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Appearance:

For the Petitioner : In person

For the Respondent/s : A.C. to S.C. 22

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 25-10-2016

Heard the parties.

2. In the present case, the petitioner has sought a relief to give direction to the respondents to reconsider his case for appointment on the post of Sub-Inspector of Police or equivalent post in the light of advertisement No. 002 of 1993 on the ground of being successful candidate.

3. An advertisement was published in the daily newspaper "Aaz" for the appointment on the post of Sub Inspector and equivalent post i.e. Sergeant, for different category provided



different parameters, such as different upper age limit as well as different criterion for the general, S.C./S.T. and female candidates. The petitioner being general category candidate and others have applied against the advertisement. The petitioner was provided the Admit Card for the physical test on 6.11.1993, which was conducted at Sandis compound in Bhagalpur, in which the petitioner was found to be successful and thereafter the petitioner was handed over the second Admit Card for the purposes of appearing in the written test, which was conducted at Christ Church School, Bhagalpur on 22.01.1994 and 23.01.1994. The petitioner was again given third Admit Card for the purposes of Interview and he appeared in the Interview on 2.8.1994 at I.P. Mess, B.M.P.-5 campus, Patna. Result was published in the daily newspaper on 15.08.1994, but his roll number being K460626 did not figure in the final merit list.

4. The petitioner made an inquiry in the Department regarding marks obtained by the successful candidates, but he was not provided any information, rather he was kept in dark for long time. After enforcement of Right to Information Act, the petitioner sought information on 02.07.2012, but he was not provided the information. The petitioner filed an appeal for providing the correct



information When, he petitioner was not provided proper information, he approached the A.D.G.P. (Law and Order) on 26.10.2012, then on the same day, he was handed over a letter dated 26.10.2012, in which the petitioner was shown to have secured 138 and cut off marks for general category was shown as 139 marks, without mentioning the classification in respect of the Sub-Inspector or equivalent posts i.e. Sergeant. He again requested the A.D.G.P. (Law and Order) for providing the attested copy of the marks register and for that he deposited an amount of Rs.900/- on 26.12.2012 for getting the said attested copy of the marks register.

5. The petitioner was served a photo copy of the register, which was not attested. After perusal of the register, he could gather the information that those who have obtained lesser marks than the petitioner have been appointed, whereas the case of the petitioner has been ignored. After that the petitioner filed a representation dated 29.1.2013 to D.G.P. Bihar, requesting and apprising him that 8 candidates who obtained lesser marks have been appointed and petitioner has been left out. Thereafter, the I.G. of Police(Budget/ Appeal/Welfare), Bihar, Patna issued a letter dated 6.3.2013, mentioning therein that there was misprinting in the marks register as stated above regarding appointed 8 candidates, in



fact they have not been appointed. Whereafter, the petitioner sought information from the D.G. Training, Bihar, Patna, asking him to give list of trainees, the same was forwarded to the P.T.C., Hazaribagh, from where he got a list of trainees and on perusal of the same, it appears that 8 persons below the petitioner were appointed, then the petitioner tried to get himself appointed, when he found himself unsuccessful, he approached this Court by way of filing this writ application.

6. The petitioner, who appeared in-person, submits that he has wrongly been deprived and discriminated in the sense that he has secured 138 marks and 8 persons below him have been appointed. He further submits that in the advertisement there is no indication to show that the appointment has to be made for Sub-Inspector and the Sergeant and there will be two yardsticks for the physical standard, which has not been incorporated in the advertisement, when 8 persons below him have been appointed then the respondents should have appointed him, but has wrongly been deprived of the benefit.

7. When the Court has asked that the advertisement is of the year 1993 and after lapse of more than 20 years, can the benefit be conferred to him, whereupon he has replied that he has wrongly

been deprived, so for the ends of justice he should be given the said benefit.

8. Learned counsel for the respondent submits that the last person who has been appointed on the post of Sub-Inspector has secured 139 marks and the last person who has been appointed on the post of sergeant has secured 133 marks. He further submits that the petitioner could not be appointed on the post of Sub-Inspector below the last candidate in that category.

9. So far as the selection of the petitioner to the post of Sergeant is concerned, he could not qualify in the physical test as the different standards have been prescribed for the post of Sub-Inspector and the Sergeant. The physical fitness for the post of Sergeant requires more higher than the Sub-Inspector of Police, though he has competed in the written test, but he was not found physically fit for the post of Sergeant.

10. From a reading of Annexure-A to the counter affidavit filed by the State, it appears that the petitioner achieved 04 feet in high jump, 12 feet in long jump and 15 feet in shot put throw. But, as per Annexure-B to the counter affidavit, which is the Rules for direct recruitment of sub-inspectors and Reserve Sub-Inspectors, a

candidate for the post of Sergeant has to qualify the 4 feet 6 inch in high Jump, 15 feet in long jump and 20 feet in shot put throw. In such circumstances, it is very much clear that though the petitioner was within the zone of consideration in the written test, but he could not qualify in the physical test for the post of Sergeant, which is amply clear from Annexure-A to the counter affidavit, which indicates what marks the petitioner has secured in the physical test and so much so that this matter is of the year 1993, all the appointments have already been made and whatever the vacancies were left out have been consumed in the succeeding selection inasmuch as the panel which was prepared in the year 1995 has lost its life and no appointment can be made from that panel.

11. In such view of the matter, this Court does not find any merit in this writ application. Accordingly, this writ application is dismissed.

(Shivaji Pandey, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	29.10.2016
Transmission Date	