

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3629 of 2013

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Pramod Kumar Pandey S/O - Shri Rajnath Pandey A Resident Of Village -
Roop Rahimpur, P.S. - Marhowrah, District - Saran

.... Petitioner/s

Versus

1. The Union Of India Through The Department Of Personnel And Training
Ministry Of Personel, Public Grievances And Pensions, Block No. 12,
C.G.O. Complex Lodhi Road, New Delhi
2. The Regional Director (Cr), Staff Selection Commission, 8-Ab , Beli
Road, Allahabad - 211002
3. The Regional Director (Nr), Staff Selection Commission, Block No. - 12,
Cgo Complex, Lodhi Road, New Delhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Respondent/s : Mr. N. A. Shamsi

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 25-02-2016 Heard learned counsel for the petitioner and learned
counsel for the Staff Selection Commission, Allahabad.

An advertisement was published by the Staff
Selection Commission for appointment of Para Military Forces,
such as, B.S.F., C.I.S.F., C.R.P.F., I.T.B.P, S.S.B. and Assam
Rifles. In pursuance of the said advertisement, the petitioner
applied for the aforesaid post. The petitioner has obtained 67
marks, but he could not be selected and the last candidate who also
obtained 67 marks has been selected.

Learned counsel for the Staff Selection Commission

submits that the Commission has formulated a procedure in what manner tie cases will be resolved. He has drawn attention to paragraph No.9 of the counter Affidavit, which reads as under:-

“9. That the method for resolving the ‘tie case’ of said examination has already been given in para 11 of Notice of the Examination under heading “RESOLUTION OF TIE CASES”. This has also been reiterated in para 8 of writ up of result of examination declared on 17.10.2012. The details of resolving the ‘tie case’ is reproduced below:-

(a) The tie is resolved by the Commission by referring to the total marks in the written examination i.e. a candidate having more marks in the written examination gets preference over the candidate(s) with less marks.

(b) If the tie still persists then the marks in Part “A” are referred to i.e. a candidate having more marks in part A is given preference.

(c) If the tie still persists, the candidate older in age gets preference.

(d) if the tie still persists, it is finally resolved by referring to the alphabetical order of names i.e. a candidate whose name begins with the alphabet which comes first in the alphabetical order gets preference.”

From a perusal of the records, it appears that in the written examination i.e. part “A” the present petitioner has obtained 19 marks whereas the last candidate, namely, Ranjan Kumar Singh, who has been appointed in I.T.B.P. has obtained 21 marks in part “A” and therefore, as per the aforesaid method the preference has been given to Ranjan Kumar Singh and has been selected in I.T.B.P.

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

(Shivaji Pandey, J)

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