

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1743 of 2011

=====

Sanjay Kumar Singh S/o Sri Ram Pratap Singh Resident of Village-
Behiratola, Brindawan, P.O- Lohchi, P.S- Haveli Kharagpur, District-
Munger.

.... Petitioner

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Commandant, B.M.P.-10, Bihar, Patna.
4. The Dy. S.P, B.M.P.-10, Bihar, Patna.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Indu Bhushan

For the Respondent/s : AC to GP-6

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

9. 03-05-2016 Heard Sri Indu Bhushan, learned counsel for the
petitioner and learned A.C. to Govt. Pleader – 6.

The petitioner, invoking writ jurisdiction of this Court
under Article 226 of the Constitution of India, has made a prayer
for issuance of direction to respondents to issue appointment letter
on the ground that petitioner was successful candidate, pursuant to
Advertisement No. 2 of 2004 published on 08-02-2004.

It has been claimed that petitioner participated in the
physical test for the post of Police Constable and he qualified. In
paragraph – 1 of the writ petition, a specific stand has been made
that all the educational certificate and Admit Card were taken by
the Commandant office of B.M.P.10 at Patna, which were not

returned despite giving application.

In this case, counter affidavit and supplementary counter affidavit have been filed. In counter affidavit, in paragraph – 4, a specific stand has been taken that all the documents including educational certificates and admit card have been returned to the petitioner on 09-02-2009.

Learned State counsel, by way of referring to **Annexure – 1** to the counter affidavit, which is at internal page 6, submits that the petitioner himself had filed application, wherein he stated that due to mismatch of his photograph, he was not appointed and he was in need of his documents for his selection in Railway Group ‘D’ Examination. He further refers to the said document to satisfy the Court that the petitioner had received all the documents under his own signature on 09-02-2009.

Ofcourse, reply to the counter affidavit has been filed by the petitioner, but statement made in paragraph – 4 of the counter affidavit has not been disputed by the petitioner. Meaning thereby that even though, the petitioner had received entire document in the year 2009 itself, in the present writ petition, which was filed in the year 2011, the petitioner had made completely incorrect and false statement regarding non-return of the documents. Moreover, it has been clarified in the

supplementary counter affidavit that at the time of verification of the document and re-measurement, the petitioner was found absent. Earlier in the counter affidavit, it was indicated regarding mismatch of photograph, however; it was clarified in the supplementary counter affidavit that due to slip of pen, the said statement was made, wherein the petitioner remained absent at the time of verification of document and re-measurement. The supplementary counter affidavit has also not been disputed by filing any reply.

In view of facts and circumstances, particularly the fact that claim of appointment pertains to an advertisement, which was published in the year 2004 itself and the fact that in the 1st paragraph of the writ petition, the petitioner had made incorrect statement, the Court is not inclined to entertain the present writ petition.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

Anay

U			
---	--	--	--