

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3951 of 2014

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Shivjee Kumar Son Of Krishna Ram Resident Of Jagjeevan Nagar, Ward No.- 27,
P.O. + P.S.- Bettiah Town, District- West Champaran Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary, Government Of Bihar, Patna
 2. The D.G. Of Police, Bihar, Patna
 3. The Chairman, Constable Selection Board, West Champaran, Bihar
 4. The S.P., West Champaran, Bettiah
 5. The S.H.O., Bettiah Town, West Champaran Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Om Prakash Singh
For the Respondent/s : Mr. Dhurjati Kr Prasad

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 19-02-2016

Heard learned counsels for the parties.

Matter relates to advertisement issued in the year 2004 for selection on the post of Constable. The advertisement in question was Advertisement No. 1 of 2004. The petitioner belongs to the scheduled caste categories and he has raised issue that he has been illegally deprived of his right for selection, because he was successful in every respect.

At the very outset, it is made clear that not only all that vacancies, which stood advertised as per Advertisement No. 1 of 2004, have been filled up years ago, but thereafter also more vacancies were advertised and selection were made. Therefore, it is too late in the day even if the submission of the counsel is accepted on the face value to grant any relief in his favour.

Petitioner tried to en-cash upon certain information, which

he had obtained under Right to Information Act, where he was informed that the records are not available with the Bettiah Police. He tried to build up the case thereafter that if the records are not available, then how come an affidavit was filed that the petitioner did not succeed or qualify in his category, because the last person, so appointed, under the scheduled caste category had 12 marks, whereas this petitioner had only 8 marks.

On the surface, such a submission did look convincing. However, when a fresh affidavit of Superintendent of Police was filed on the direction of the Court, it has emerged that information given in the RTI was limited to the nature of the question put before the authorities.

The position, which has been stated in the affidavit with regard to the petitioner, was not available at Bettiah, but at Motihari, where the selection was carried out and exercise done.

If this be the position, then, obviously, the petitioner is barking up the wrong tree only in the hope of getting an opening, which this Court cannot provide not only for the reasons that much time has gone past, but also for the fact that the present writ has been filed after more than a decade for such relief.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

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