

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6786 of 2013

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1. Sourav Kumar Son Of Girish Kumar Singh Resident Of Village - Supour, P.S. Sangrampur, P.O. - Supour, Jamua, District - Munger

.... Petitioner/s

Versus

1. The Chairman Staff Selection Commission , Head Office, New Delhi
2. The Staff Selection Commission (Cr) Allahabad, Represented Through Its Secretary, Allahabad
3. The Regional Director Staff Selection Commission (C.R.) Allahabad
4. The Director General Of Police Crpf, New Delhi
5. The Inspector General, C.R.P.F. Bihar Zone, Patna
6. The Deputy Inspector General, Bihar Zone, Group Center Mokama Ghat

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramji Kumar,
Mr. Shailesh Kumar Sharma, Advocates.
For the Union of India : Mr. Anshuman Singh, CGC
For the SSC : Mr. Anjani Kumar Sharan, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 29-07-2016

Heard learned counsel for the petitioner and learned counsel for the Union of India as well as Staff Selection Commission.

Petitioner had applied for paramilitary forces but he could not be selected. As per statement made in the petition, he has obtained 61 marks and last person who has been selected under OBC category has also secured same marks. In a case of tie preference will be given to the person who has obtained higher marks in the written examination.

Basically claim has been made that petitioner belongs to Naxal affected area and cut off marks for the candidate falling in Terrorist and Naxal affected area is in a lower side.

In the counter affidavit it has specifically been stated that petitioner has not filled up the form showing him falling in Naxal affected area, hence his case was not considered. Unless a candidate in the form indicates that he belongs to the particular class, he cannot be considered for appointment in that class. Merely annexing some certificates will not be of any help to the candidate unless forms are filled up in a proper manner and giving the code number, if the code number has been provided. In paragraph 15 of the counter affidavit it has been stated that code number for the Naxal affected area has been provided and that was to be filled in column no.15 of the application. Though the petitioner has been given benefit of OBC but the claim of petitioner falling Naxal affected area was not entertained as he did opt for the same. The last person who has obtained 61 marks having done better in the written examination has been selected.

In such view of the matter this writ petition is dismissed.

Learned counsel for the petitioner submits that if any person from this category did not join then opportunity should be extended to the petitioner.

The facts in issue are not before this Court. However, in view of the submission, the Commission/Government would consider this aspect of the matter and take appropriate decision in accordance with law.

(Shivaji Pandey, J)

Vinay/-

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