

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17549 of 2015

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1. Sushant Kumar Pandey son of Shiv Kumar Pandey, Resident of B.M.P. - 1, Bihar Veterinary College, P.O. - Bihar Veterinary College, P.S. - Airport, District - Patna - 800014.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Director General of Police, Patna.
3. The Chairman Central Selection Board (Kendriya Chayan Parishad), Hardinge Road, Patna - 1.
4. The Senior Superintendent of Police, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prince Kumar Pandey
Mr. Brisketu Sharan Pandey
For the Respondent/s : Mr. SC25- A. UJJWAL
Mr. Ratenesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 03-03-2016

Heard counsel for the petitioner and counsel for the Central Selection Board for constables.

The only reason why petitioner has not been offered appointment on the post of a constable is that he had not produced matriculation certificate though, otherwise, he had cleared all the formalities and the requirements for such selection.

The dispute is whether the petitioner did submit his matriculation certificate on which he insists upon and the stand which has been taken by the Selection Board is that he only submitted

marks-sheet.

The surrounding circumstances create a situation where benefit of doubt should accrue in favour of the petitioner because even if he submitted a marks-sheet, which is not the matter of dispute, passing of matriculation by the petitioner is not the issue. In addition to that, petitioner relies upon the document supplied by the respondent Selection Board itself, which is at page 101 and part of the supplementary counter affidavit, in which there is a tick against column No.1 and duly countersigned by at least two authorities and the present petitioner.

Learned counsel for the Board, however, insists on the basis of endorsement made at page 110, that indicates that petitioner had not submitted matriculation certificate in original. They tried to call upon the mobile number of the petitioner, which was found switched off at least three times over and ultimately the authorities were left with no option but to disqualify him and he was not offered appointment.

Since the reason for rejection of the claim of the petitioner is hyper-hyper technical and there are surrounding circumstances where benefit of doubt should accrue in favour of the petitioner, the Court accepts the stand of the petitioner. The authorities should have clarified at the very point while accepting the form, which is at page

101 of the writ application that the matriculation certificate was not produced.

In this age of unemployment, if a candidate succeeded on every fronts of selection and fulfilled the parameters then it will be too harsh and inequitable to deny him the opportunity of appointment on the post of constable for the reason of non-supply of original matriculation certificate.

Writ application is allowed.

Respondents are directed to ensure that the petitioner is offered appointment letter to facilitate his joining as well as to complete his training thereafter.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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