

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12724 of 2013

Kumari Shiwani Verma D/O Vijay Kumar Resident Of Village+P.O.- Purhara,
P.S.- Haspura, Dist.- Aurangabad (Bihar). Pin Code- 824120

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Home Secretary (Police), Government Of Bihar, Old Secretariat, Patna
3. The D.G.P., Bihar, Old Secretariat, Patna
4. The D.I.G. Bihar, Old Secretariat, Patna
5. The Secretary, Central Selection Board Of Constable (C.S.B.C.), Computer Bhawan, Jawahar Lal Nehru Marg, Opp. Patna Golf Club, Patna- 800023.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajendra Singh, Sr. Adv.
Mr. Kripanand Kumar Prabhakar, adv.
For the Respondent-State: Mr. Ravi Bhardwaj, A.C. to G.A.-5
For the Respondent No.5: Mr. Sanjay Pandey, adv.
Mr. Vivek Anand, adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 21-04-2016

Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel for the Board.

2. In this case, the petitioner has raised a grievance that she has wrongly been not given the appointment letter though she has crossed all the hurdles of the selection and further raised a grievance that she has produced proper documents to show her date of birth, but has wrongly been deprived from the selection.

3. It appears that the petitioner has given his details of

educational pursuit, having stated that she has passed the Madhama with 1st Division, followed she passed I.A. with 1st Division from M.S.R.D.D. College, Deokund, Aurangabad and thereafter she completed her B.A. with 2nd class from Mahila College, Daudnagar in the subject of History and she belongs to O.B.C. community.

4. An advertisement was published for appointment of female Constable by the Central Selection Board, Bihar, Patna. Against that advertisement the petitioner along with other candidates applied for the post of constable. Altogether 7606 posts of constables were advertised. After qualifying written test, the petitioner was asked to appear for physical test; she appeared and qualified the physical test, she was asked to produce original degrees for verification. In pursuance thereof, the petitioner produced all the certifies except original Matriculation Certificate, showing her date of birth, but in stead of original certificate of Matriculation she produced the School Leaving Certificate and submitted that the School Leaving Certificate comprises the date of birth, so there is no need of submission of any further certificate. This fact is also apparent from the representation filed by the petitioner on 12.6.2013 and 14.6.2013, where she has specifically stated that she has filed the School Leaving Certificate where the date of birth has been given as 21.10.1992, which provides

correct date of birth.

5. Learned senior counsel for the petitioner submits that the petitioner had produced even the Matriculation certificate before the Board and placed reliance on paragraph No.8 of the writ application.

6. In the counter affidavit the State as well as the Board has specifically taken a plea that at the time of physical test the petitioner was asked to submit the original Matriculation Certificate, but she did not produce the same. Thereafter, the Board granted three day's time to the petitioner to produce the same, even then the petitioner did not produce the original Matriculation Certificate.

7. In view of the statement made in the counter affidavit as well as the representation filed by the petitioner, which itself discloses that the petitioner had never produced the original Matriculation Certificate before the Board, which was *sine qua non* for the purposes of verification of the date of birth of the petitioner.

8. It will be relevant to mention the judgment of ***Braj Kishore Prasad Vs. The State of Bihar and others*** reported in ***1998(3) PLJR 35***, there the Full Bench of this Court defined by what time the candidate has to file the certificates for the purposes of

verification and so much so that the learned counsel for the State and Board have submitted that fresh advertisement was notified and appointment has been made.

9. 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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