

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15011 of 2014

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1. Sanoj Kumar Mandal Son of Kamleshwari Prasad Mandal resident of village Bara Post R.T. Mohan, P.S. Simraha, District Araria

.... Petitioner/s

Versus

1. The State of Bihar through the Director General, Bihar Fire Service (Home Police) Department, Patna
2. The Chairman, Central Selection Board (Constable Recruitment) Bihar Fire Service (Fireman) Back Harding Road, Patna- 1
3. The State Fire Officer, Bihar Fire Service Head Quarter Budha Marg, Patna-1

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Respondent State : Mr. GA-1 S.K.SHARMA
For the Board : Mr. Kunal Tiwary

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 25-01-2016

Petitioner has been denied right of appointment by the respondents.

The Court will exercise its powers of judicial review provided the reason for such rejection is attributable to the respondents and is arbitrary per say.

2. Petitioner was one of the candidates who are short-listed and selected as a Fireman after going through the rigmarole of such process of selection. When it came down to final appointment, respondents refused to appoint him because a mis-match was found in the name of the father of the petitioner from the certificates vis-à-vis the declaration he had made in his application form.

3. The explanation offered by the counsel for the petitioner is that it was a bona fide human error or oversight and that should not come in the way of appointment of the petitioner, who has earned a place by virtue and dint of his established merit in the process of selection.

4. Every candidate was supposed to declare truthfully and honestly the details which were required to be filled up in the form. The Court is not willing to bite the bait by accepting the contention of the counsel for the petitioner for the simple reason that if a government servant who is literate cannot provide the name of this father properly in the records then obviously, there is something amiss some where as to why petitioner chose not to provide the correct name of his father, in the application form.

5. The Court is not willing to investigate the reason for the petitioner doing so. But since uniformity has to be maintained in such a decision-making and even in a similar writ application this Court has negated or refused to grant any relief, the writ application is required to be dismissed.

6. Since the reason for non-selection and appointment of the petitioner is attributable to him and not to the respondents, writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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