

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17523 of 2012

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Rakesh Kumar Rajeev Son Of Sri Suresh Rajak Village - Hatia Tol Rupauli, Post -
Shilanath Rupauli, Police Station - Jankinagar, District - Purnia

.... Petitioner

Versus

1. The State Of Bihar
2. The Director General Of Police, Patna
3. The Commandant, Bihar Military Police - 4, Dumraon, Buxar
4. The Commandant-Cum-Chairman, Newly Constituted Selection Board No. 2,
Bihar Military Police-4, Dumraon, Buxar
5. The Post Master General, Bihar, Patna
6. The Post Master, Post Office, Rupauli, Purnia

.... Respondents

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Appearance :

For the Petitioner : M/s Alok Kumar,
B.B.Sinha and ajay Dutt Mishra and
Amarjeet Chaudhary, Advocates

For the State : Mr. Ravish Chandra, AC to SC 16

For Union of India : Mr. Sanjay Kumar, ASG.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 17-02-2016

Heard learned counsel for the petitioner and the State.

Grievance of the petitioner is that he was selected for
appointment as constable and was required to be called for
counselling. Though the date of counselling was 16th August, 2012
he received the call letter on 17th August 2012. It is alleged that the
call letter was signed on 6.8.2012 but was deliberately dispatch after

two days, i.e., on 8.8.2012 and was delivered by the Postal Department on 17th August, 2012 i.e., a day after the date of counselling. It is contended that the action of the authorities has cost the petitioner from dearly as he could not appear for counselling.

However, in the supplementary counter affidavit filed on behalf of the respondents brings Annexure A which is an order dated 17.8.2012 has been passed by the Commandant Bihar Military Police 4, Dumraon (Buxar) on record showing that there were only three posts for three persons, i.e. Bir Bahadur Ram, Bikash Kumr and Rajan Paswan, who were appointed and, according to the merit list which has been appended as Annexure A/3, it is manifest that their respective positions the petitioners were at sl. Nos. 4, 5 and 10. The petitioner having been placed at sl. No. 14, it is contended that, even if he would have attended the counseling, he would not have been given appointment although there appears to be some wrong having been done to him as he has received call letter a day after the date of counselling the same is not prejudiced.

I find force in the submission made on behalf of the State. There is no rejoinder to the supplementary counter affidavit filed on behalf of the State. It does not appear from Annexures A and A/3 that any person below the petitioner was given appointment after counselling. As such, it can safely be construed that though some

wrong has been done upon the petitioner as stated above but ultimately he could have not been approached even after attending the counselling, this writ application has to fail and accordingly is dismissed.

(Dr. Ravi Ranjan, J)

Spd/-

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