

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.225 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 7408 of 2015**

- =====
1. The Chairman, Central Selection Board of Constable, Computer Bhawan, Jawaharlal Nehru Marg, Patna
 2. The Secretary, Central Selection Board of Constable, Computer Bhawan, Jawaharlal Nehru Marg, Patna
 3. The Officer on Special Duty, Central Selection Board of Constable, Computer Bhawan, Jawaharlal Nehru Marg, Patna

.... Appellant/s

Versus

1. Pasupati Kumar Son of Sri Laxmi Kant Pandit, Resident of village + Post office - Chainpur via Ag Bazar, P.S. Falaka (Pothia), District - Katihar
2. Surendra Kumar Son of Sukdeo Chouhan, Resident of village - Govindpur, P.O. + P.S. Rautara, District - Katihar
3. Rupesh Kumar Son of Janarda Yadav, Resident of village - Barmasia, P.O. + P.S. Katihar, District - Katihar
4. Chandan Kumar Roy Son of Wakil Roy, Resident of Mohalla - Indrapuri, B.M.P. - 7, Mirchi Bari, P.O. Katihar, District - Katihar
5. Md. Habil Son of Md. Samsul, Resident of village - Raghuni Chak, P.O. + P.S. Mansahi, District - Katihar
6. Md. Zakir Hussain Son of Md. Mustkin, resident of village - Labha, P.O. Mahadevpur, P.S. Pranpur, District - Katihar
7. Rajendra Kumar Son of Dinesh Prasad Sharma, Resident of village - Padampur, P.O. Hasanganj, P.S. Dandkhora, District - Katihar
8. Kumar Gourav Son of Manohar Das, Resident of village - Soti, P.O. Ragheli Via Sonaili, P.S. Dandhora, District - Katihar
9. Amit Kumar Son of Subodh Yadav, Resident of village - Ruchdev Simaria, P.O. Pothia, P.S. Falka, District - Katihar
10. Niraj Kumar Son of Upendra Yadav, Resident of Karhagola Uchla, P.O. Gurubazar, P.S. Barari, District - Katihar
11. Ajeet Kumar Arya Son of Satish Prasad Arya, Resident of Mohalla + P.O. Ayodhyaganj Bazar, P.S. Kursela, District - Katihar
12. Ajit Kumar Singh Son of Shiv Shankar Prasad Singh, Resident of village - Kohwara, P.O. Pothia, P.S. Falka, District - Katihar
13. Md. Kamaluddin Son of Md. Yusuf, Resident of village - Bathna, P.O. Dilli Dewanganj, P.S. Ambabad, District - Katihar
14. Md. Ataur Rahman Son of Md. Tafihul Haque, Resident of village - Bathna, P.O. Dilli Dewanganj, P.S. Ambabad, District - Katihar
15. Suman Kumar Das Son of Hemlal Das, Resident of village - Braiya, P.O. Bharri, P.S. Kadwa, District - Katihar
16. Binod Kumar Chouhan Son of Anandi Prasad Chouhan, Resident of village - Govindpur, P.O. + P.S. Rautara, District - Katihar
17. Ravi Bhushan Kumar Son of Late Surya Narayan Das, Resident of Harijan Colony, T.V. Centre, P.O. B.M.P. 7, District - Katihar
18. Ajit Kumar Son of Surya Deo Prasad, Resident of Mohalla - Nepali Tola, P.O. B.M.P. 7, District - Katihar
19. Gaurav Kumar Rajak Son of Narayan Rajak, Resident of Lohiya Nagar



- Barmasia, Ward No. 12, P.O. Katihar, District - Katihar
20. Rajeev Kumar Son of Madan Sah, Resident of village - Korha, P.O. + P.S. Korha, District - Katihar
21. Binod Kumar Mehta Son of Parmeshwar Mehta, Resident of village + P.O. Bhatwara, P.S. Korha, District - Katihar
22. Jiveet Kumar Sharma Son of Yogendra Sharma, Resident of village + P.O. Chhohar, P.S. Falka, P.O. Pothia, Anchal Sameli, District - Katihar
23. Vinod Kumar Singh Son of Hari Prasad Singh, Resident of village - Bhandartal, P.O. Bhandartal Via Gurubazar, P.S. Barara, District - Katihar
24. Bishu Hembram Son of Nayki Hembram, Resident of village - Kanchan Bari, P.O. Jhagruchak, P.S. Falka, District - Katihar
25. Bhawesh Kumar Son of Umesh Prasad Choudhary, Resident of village + P.O. Kuretha, P.S. Mansahi, District - Katihar
26. Amir Ali Son of Md. Sameer Ali, Resident of village - Aminabad Tarbana, P.O. Semapur, P.S. Semapur, P.O. (Barari), District - Katihar
27. Satyendra Kumar Son of Resham Lal Uraon Resident of village - Rajwara, P.O. + P.S. Rautara via Ranipatna, District - Katihar
28. Pramod Kumar Paswan Son of Sita Ram Paswan, Resident of village + P.O. Kanta Kosh Via Manihari, District - Katihar
29. The State of Bihar
30. The Principal Secretary, Home (Police) Department, Bihar, Patna

.... Respondent/s

Appearance :

For the Appellants : Mr. P. N. Shahi, Sr. Advocate
Mr. Sanjay Pandey, Advocate
Mr. Binod Kr. Mishra, Advocate
Mr. Vivek Anand Amritesh, Advocate

For the State : Mr. Manish Kumar, AC to AAG-6

For Respondents 1 to 28 : Mr. Rajeev Verma, Sr. Advocate
Mr. Gaurav Govind, Advocate
Mr. Sarbottam Kumar Sarkar, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 25-01-2017

I.A. No. 872 of 2016

The application is for condonation of delay of 45 days
in filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory



Application, we are satisfied that the appellant has shown sufficient cause to seek condonation of delay of 45 days in filing the present Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 872 of 2016 is allowed and delay of 45 days in filing the Letters Patent Appeal is condoned.

L.P.A. No. 225 of 2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 4th of November, 2015 in C.W.J.C. No. 7408 of 2015 whereby, the writ application was allowed wherein the writ applicants were candidates for appointment against the post of Constable under the category of Home Guard.

2. The issue raised is short. As per the writ applicants, there is no cut-off date before which the candidates must have obtained training as Home Guard, whereas the cut-off date is prescribed in respect of age and educational qualification.

3. The learned Single Bench relied upon the Supreme Court judgment reported as (2007) 4 SCC 54 (Ashok Kumar Sonkar vs. Union of India) to hold that in the absence of cut-off date, the last date of submission of the application would be the date of obtaining training as Home Guard which is eligibility for



appointment as a Constable.

4. Once the cut-off date has been fixed in the advertisement in respect of age and educational qualification, the non-fixation of cut-off date for training shows that the cut-off date as 01.01.2004 was not intended for the purpose of training. There cannot be any implied cut-off date as was contemplated in respect of educational qualification and the age.

5. Since there was no cut-off date fixed for training, we do not find that the view taken by the learned Single Bench suffers from any illegality which may warrant interference in the present Letters Patent Appeal.

6. Consequently, we do not find any merit in the present Letters Patent Appeal. The same is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	28.01.2017
Transmission Date	N.A.

