

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11336 of 2014

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BINAY KUMAR CHAUDHARY SON OF LATE KAMESHWAR CHAUDHARY RESIDENT OF FAISAD KA MAIDAN, JHAUGANJ, PATNA CITY, P.S. CHOWK, DISTRICT - PATNA 800008 (BIHAR) Petitioner

Versus

1. THE STATE OF BIHAR THROUGH CHIEF SECRETARY, GOVERNMENT OF BIHAR, PATNA
2. THE PRINCIPAL SECRETARY, DEPARTMENT OF HOME, GOVERNMENT OF BIHAR, PATNA
3. THE JOINT SECRETARY CUM DIRECTOR (ADMN), JAIL AND REFORMS SERVICES, OLD SECRETARIATE, DEPARTMENT OF HOME, PATNA (BIHAR)
4. THE DIRECTOR GENERAL OF POLICE, BIHAR, PATNA
5. THE INSPECTOR GENERAL OF JAIL AND REFORMS SERVICES, OLD SECRETARIATE, DEPARTMENT OF HOME, PATNA (BIHAR)
6. THE CHAIEMAN, CENTRAL RECRUITMENT BOARD (POLICE) COMPUTER BHAWAN, JAWAHAR LAL NEHRU MARG, PATNA - 800023
7. THE SECRETARY, CENTRAL RECRUITMENT BOARD (POLICE) COMPUTER BHAWAN, JAWAHAR LAL NEHRU MARG, PATNA - 800023
8. SRI RANJIT KUMAR SON OF BABURAM RAM, DRESSER, DISTRICT JAIL, NAWADA RESIDENT OF T.B.W. HOSPITAL, ROOM NO.16, B.U. CAMPUS, SABRA ROAD, MUZAFFARPUR 842001 Respondents

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Appearance :

For the Petitioner	:	Mr. Munna Pd Dixit, Advocate Mr.SK Dixit, Advocate
For the Board	:	Mr. Sanjay Pandey, Advocate and Mr. Vivek Anand Amrithesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
Date: 06-12-2017

The petitioner has participated in the selection process for appointment of dresser in the District Jail. The relevant advertisement is Annexure 1. Annexure 2 is the notice which has been published by the Selection Board wherein the mode of recruitment/examination has been clarified. Pursuant thereof, respondent no. 8 has been appointed and his name is figured at



Serial No. 13 in the category of the Scheduled Caste candidates. The petitioner, also being a Scheduled Caste candidate, has assailed the appointment of respondent no.8 who is of the same category.

2. He draws attention of the Court to the marks secured by him which is 34 marks (24 marks in Written examination and 10 marks in practical), whereas respondent no.8 secured total 38 marks (36 marks in Written examination and 02 marks in practical). Relying upon notice contained in Annexure 2 he contends that there was no qualifying marks in the written examination and the selection was to be done only on basis of marks obtained in the practical.

3. Respondents no. 1, 2, 3 and 5 have filed counter affidavit. In paragraph 10 thereof, they have stated that the petitioner has misinterpreted the said clause.

4. On going through clause (iii) the notice (Annexure 2) which has been made the basis to challenge the appointment of respondent no.8, it is obvious that there was no qualifying marks in the written examination. Based on marks obtained in the written test a merit list of candidates four times the number of vacancies was to be prepared. Thereafter they were to be subjected to practical examination. Accordingly, the competent candidates were to be selected. It does not appear from the said notice that even though no one was to be disqualified in the written test but the actual marks obtained therein



was to be excluded in the process of selection, or that the final selection was to be made only on basis of the practical.

5. The merit list (Annexure 7) also discloses that the selection has been done by adopting a uniform criteria on the basis of total marks after adding the marks of written examination and practical, as per notification dated 5.4.2014 (Annexure 8) of the writ petition. After being subjected to such uniform selection process petitioner was placed at Serial No. 243 of the merit list, whereas the respondent no.8 was placed much above the petitioner at Serial No. 157.

6. It is not the case of the petitioner that any one below him in the merit list has been appointed. As discussed above, petitioner's comprehension of the mode of recruitment is not borne out from a conjoint reading of the notice, Annexure 2 as well as the notification, Annexure 8 of the writ petition which has strictly been followed uniformly in the selection process as discussed above.

7. Challenge to the selection of respondent no. 8 is thus untenable and the writ petition is devoid of any merit and is therefore dismissed.

(Madhuresh Prasad, J)

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