

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1324 of 2016

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Md. Sanjar Alam Son of Izhar Alam resident of Sitananabad North, Punchbighi,
Ward No. 06, P.S. Simri Bakhtiarpur, District Saharsa

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home,
Government of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Superintendent of Police, Saharsa
4. The Central Selection Board (Constable), Bihar, Patna through its Secretary

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Mishra, Advocate

For the Respondent/s : Mr. Ajay Kumar, AC to GP-24

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 08-08-2017

I.A. No. 6673 of 2016 is allowed and delay of one
day in preferring the appeal is condoned.

Seeking exception of order dated 25.04.2016 passed
by the writ court in C.W.J.C. No. 15339 of 2013, this appeal has
been filed under Clause 10 of the Letters Patent Appeal. The
appellant was the candidate, who had applied for selection on the
post of constable through Central Selection Board (constable), Bihar,
Patna and after qualifying in written examination and when physical
evaluation-cum-verification of the document took place, it is said
that the petitioner did not produce the caste certificate and therefore
he was disqualified. The appellant claims that he had produced the



caste certificate and when it was not considered, the writ petition was filed. The writ court examined the matter in detail and found that the petitioner in fact did not produce the caste certificate. After verification of the record, the learned writ court record the following findings:

“From the record it appears that in the advertisement as well as in the admit, card it has specifically mentioned that candidate must produce all certificates in original, such as matriculation certificate, domicile certificate and caste certificate at the time of physical test. In such circumstances the candidate who applied for the post of constable was required to produce all the certificates including the caste certificate. He has submitted that in fact he has produced the caste certificate but has wrongly been shown none. Annexure E to the counter affidavit shows that in the column of certificate it has been shown “no” and at the bottom the petitioner put his signature in Hindi as well as in English.”

Before us also, the original verification form submitted by the petitioner is filed along with counter affidavit as Annexure-E, which indicates the same position as is reflected by the learned writ court. Here it is the case of the appellant that it was an error committed by him in mentioning “No” and in fact he had



produced the certificate. In view of the aforesaid disputed questions of facts that have come on record, we see no reason for interference in the matter, when, from the documents available on record, it is clear that the appellant did not produce the document at the appropriate time. That being so, the learned writ court has committed no error, accordingly, we dismiss the appeal.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.08.2017
Transmission Date	

