

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.257 of 2017
IN
Civil Writ Jurisdiction Case No. 15168 of 2016**

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1. Anand Kumar Yadav son of Bairister Yadav resident of village - Shamdas Bagahi, Police Station - Kateya and District - Gopalganj (Bihar)

.... Appellant/s

Versus

1. The Union of India through the Chief of Army, C.G.O. Complex, Lodhi Road, New Delhi.
2. The Director of Recruitment, Z.R.O., Danapur, Patna.
3. The DIR, RTG, ARO, Danapur, Patna.
4. The Examination Controller, Constable (G.D.) Recruitment, Danapur, Patna, Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manish Kumar No-2
Mr. Avinash Kumar Singh
Mr. Gajendra Kumar Singh, Advocates
For the Respondent/s : Mr. S.D Sanjay (addl. Soc. Gen.)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 15-05-2017

Seeking exception to an order dated 16.12.2016 passed by the learned Writ Court in C.W.J.C. No.15168 of 2016, this appeal has been filed under Clause 10 of the Letters Patent.

Petitioner had applied for appointment with the Director of Recruitment, respondent No.2. A complaint was raised to the effect that petitioner was a resident of Kushinagar, Uttar Pradesh, and he is not entitled to participate in the process of recruitment as



the appointment is for the Army and the recruitment exercise is being done exclusively for residents of seven districts in the State of Bihar. The complaint was enquired into and finding the petitioner not to be a resident of the seven districts for which the recruitment was in progress, his candidature was rejected and challenge to the same before the learned Writ Court having also been dismissed, this appeal has been filed.

Having bestowed our anxious consideration to the issues, we find that the petitioner was staying in Uttar Pradesh in the year 2010 and in the year 2012 completed his Intermediate examination from the State of Uttar Pradesh. His parents are permanent residents of State of Uttar Pradesh and, taking note of various aspects of the matter, the authorities have come to the conclusion that he was not eligible to participate in the process of recruitment in question as he was not a resident of the seven districts for which the special recruitment drive was on. This finding of fact has been approved by the learned Writ Court and we see no reason to take a different view.

Learned counsel for the appellant, relying on the judgment of the Hon'ble Supreme Court in AIR 1991 SC 356, Dr. Yogesh Bhardwaj vs. State of U.P. & Ors., tried to argue that the appellant is



a resident of State of Bihar, but we find that the aforesaid fact is not corroborated by any documentary evidence and, therefore, we see no reason to make indulgence into the matter.

The appeal is, accordingly, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

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