

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12662 of 2010

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Vinod Kumar son of Sri Karu Prasad Yadav , resident of Village - Murla Chak,
P.S.- Warshaliganj, District - Nawadah

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary Govt. Of Bihar, Patna
2. The Director General - Cum - Inspector General Of Police, Bihar, Patna
3. The Chairman, Central Selection Board, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ebrahim Kabir
Mr. Kumar Rajeev
For the Respondent/s : AC to GP No. 5
Mr. Sanjay Pandey

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 11-04-2017

1. Heard Sri Ebrahim Kabir, learned counsel, assisted by Sri Kumar Rajeev, learned counsel for the petitioner , learned AC to GP No. 5 as well as Sri Sanjay Pandey, learned counsel who has appeared on behalf of the respondent no. 3/ Central Selection Board (Constable Recruitment).

2. The petitioner, has filed the present writ petition with a prayer for direction to the respondents to verify from the video photography done in respect of physical efficiency test of the petitioner. It has been claimed that incorrectly his candidature was



rejected.

3. It is case of the petitioner that pursuant to an Advertisement No. 2 to 2009 for appointment of constable in Bihar Police and B.M.P. he applied and appeared in the written test and he also participated in the physical test. According to learned counsel for the petitioner the petitioner has qualified even in the physical test but he was not declared successful. Mr. Ebrahim Kabir , learned counsel submits that the petitioner has completed in all the tests but arbitrarily the case of the petitioner was rejected whereas in this case a counter affidavit has been filed on behalf of the respondent no. 3. Sri Sanjay Pandey, learned counsel for the respondent no. 3 has drawn my attention to the statement made in paragraph no. 9 of the counter affidavit wherein it has categorically been stated that in the physical evaluation test which was held on 19.7.2010 the petitioner was allotted jacket no. 3463 for the test in which he participated. In the physical test besides running there were other tests also. In the running test a candidate was to complete one mile / 1600 meters (five rounds) in six minutes , however the petitioner had not completed the race within the stipulated time and he only completed four rounds and as such , he was declared disqualified. Of -course in the counter affidavit a specific stand was taken regarding disqualification of the petitioner in physical test particularly running



test, but no rejoinder to the counter affidavit has been filed. In view of non- denial of the stand taken in the counter affidavit regarding disqualification in the physical test, there is no reason to pass any positive order.

4.The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
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