

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 194 of 2015

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Pintoo Kumar, son of Sri Lakshman Sah, resident of village Supaul Hussaina Chawk, W.N.-17 PS+District Supaul, Category-EBC-M-NHG. Application No.- 59124126 and the Roll No.- 2774040486, the petitioner has been declared qualified in the tests he has obtained 147 marks.

.... Petitioner

Versus

1. The State of Bihar through the Director General of Police, State of Bihar, Patna
2. The Principal Secretary, Department of Home (Police), Government of Bihar, Patna
3. The Principal Secretary, General Administration Department (Personnel Administrative Reform Department), Government of Bihar, Patna
4. The Deputy Inspector General of Police, Sanya Police (Ke. M.), Patna
5. The Superintendent of Police Kishanganj cum Chairman Selection Committee (Ke. M.) Board, Kishanganj
6. The Commandant (Samadestha), Bihar Military Police- 10, Patna
7. The Central Selection Board of Constable, Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Subhesh Pandey
For the Respondent/s : AC to Addl. Advocate General – 5
Mr. Sanjay Pandey

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 04-02-2017 Heard Sri Subhesh Pandey, learned counsel for the petitioner, learned A.C. to Addl. Advocate General – 5 as well as Sri Sanjay Pandey, learned counsel, who has appeared on behalf of respondent no. 7/Central Selection Board (Constable Recruitment).

The petitioner has approached this Court invoking its writ jurisdiction under Article 226 of the Constitution of India, with a prayer to direct the respondents to consider his name for



appointment to the post of Constable, in view Advertisement No. 01 of 2012.

It has been pleaded that petitioner had obtained 147 total marks. Learned counsel for the petitioner accepts that none of the candidate, having lesser age than the petitioner who obtained equal mark, has been selected.

By **Annexure – 1** to the writ petition, the petitioner was intimated that he had obtained 147 marks and one another candidate, who was selected, was also having same marks, but his date of birth was much earlier i.e. 15-05-1987, whereas, petitioner's date-of-birth is 14-04-1989. Meaning thereby that candidate, who has got equal marks like the petitioner, was older than the petitioner and as such, in view of settled provision, he has been accommodated.

Learned counsel for the petitioner tried to persuade the Court to take judicial notice of a paper publication i.e. **Annexure – 1** series (at page 9). He submits that subsequently, many illegalities were found and candidature of number of candidates was cancelled.

The Court is of the opinion that while exercising writ jurisdiction, this Court may not conduct a roving enquiry.

In view of facts and circumstances, particularly the



fact that the person, who was having equal marks like the petitioner, was older than the petitioner, and as such, in selecting him, no illegality has been committed by the authority concerned.

I do not find any ground to pass favourable order.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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