

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.57 of 2016

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1. Deonath Ram Son of late Jagarnath Ram Resident of Village- Rajpur, P.S and
P.O Bihta, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

2. Secretary, Bihar Staff Selection commission, PO -B.V. College, Patna-800014

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Adv.
Mr. Prakash Ranjan Sinha, Adv.

For the Respondent/s : Mr. Prasoon Sinha, G.A.2
Mr. Ranjan, J.C. to G.A.11
Mr. Chandra Bhushan Das, Adv.
Mr. Kamla Kant Upadhyay, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 04-04-2017

Heard Mr. Narendra Kumar, learned counsel for the petitioner,
learned counsel for the State and Mr. Chandra Bhushan Das learned
counsel for the Staff Selection commission.

The petitioner seeks appropriate direction to the authorities of
the Staff Selection Commission to consider his candidature for
appointment to the post of Sub Inspector of Police following the
advertisement in which the petitioner had participated and claims to
have passed but was refused appointment on the failure to submit the
OBC certificate. In support, the petitioner relies on the result at
Annexure-1.

It is not in dispute that the appointment process initiated
following the Advertisement No.704 of 2004 having been put to



challenge and contested before this court without success reached the Supreme Court and was disposed of with the direction to the Commission to hold fresh examination with liberty to all those who had earlier participated, to appear in physical and written examination. By a subsequent order passed, the liberty was extended to other candidates as well who were not party to the proceeding. It is following the order of the Supreme Court that Advertisement No.511 of 2011 was issued and since some objections were raised as to the applicants to the previous advertisement that the matter again reached this court and directions were issued to allow all those who were applicants against the advertisement No.704 of 2004 and had taken part in the examination. The petitioner herein also claims such relief.

The objection raised by the Staff Selection Commission is that on disposal of the matter by the Supreme Court that the applicants were required to apply within the time prescribed that is 1.8.2015 but the petitioner did not respond.

It is contesting the counter affidavit that a rejoinder has been filed today and in reference to Annexure-3 thereof learned counsel for the petitioner has submitted that the petitioner applied as back as on 4.3.2015 and his application was acknowledged by the Staff Selection Commission which is supported by the acknowledgement slip. He thus submits that there is no laches on the part of the petitioner in



filing application which stands acknowledged by the Commission.

It is submitted at the bar by Mr. Das appearing for the Commission that in case the petitioner's case is covered by the judgment of the Supreme Court and he has filed his application within time as claimed by him, he would also be permitted to participate in the selection process in terms of the Supreme Court order.

Having heard learned counsel for the parties and considering the circumstances discussed, I deem it proper to dispose of the writ petition with the direction to the concerned authorities of the Staff Selection Commission including the respondent No.2 to satisfy themselves as to the candidature of the petitioner in the backdrop of the argument advanced and in case the case of the petitioner as advanced in the writ petition is covered under the Supreme Court judgment and the petitioner has responded within time as claimed by him vide Annexure-2 to the rejoinder, he may be allowed to participate in the selection process.

The writ petition is allowed subject to the directions aforementioned.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

