

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.338 of 2014

In

LPA 869 of 2012

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1. Jai Prakash Singh Son of Late Ganesh Singh R/o Village - Pithauri Tawakal Tola, P.O. - Kanhauli Manohar, P.S. - Baniapur, District - Saran at Chapra, Pin-841403, Bihar, At present Address - East Indrapuri Near Hariyer Rai Path, Road No. 11, House No. 22, P.O. - Keshri Nagar, P.S. - Patliputra, District - Patna, Pin-800024, Bihar

.... Petitioner

Versus

1. The State of Bihar through the Director General of Police, Government of Bihar, Patna
2. Director General of Military Police, Bihar, Patna
3. Additional Director General of Military Police, Bihar, Patna
4. Superintendent of Lady Military Police Battalion (Samadesta) Sasaram, Rohtas
5. Deputy Superintendent of Lady Military Police Battalion, Sasaram, Rohtas

.... Respondents

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Appearance :

For the Petitioner : Mr. Uma Kant Shukla, Advocate
Mr. Shakti Suman Kumar

For the Respondent/s : Mr. Nirbhay Prashant, AC to SC 17

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

AND

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

3 12-04-2017 By way of the present application, preferred under Section 114 and 151 of the Civil Procedure Code, the petitioner seeks review of the order, dated 15.09.2014, passed by the Division Bench, in LPA No. 869 of 2012, whereby the appeal preferred against the order, dated 04.05.2012, passed in CWJC No. 21261 of 2011, by the



learned Single Judge, has been dismissed *in limine*.

We have heard Mr. Uma Kant Shukla, learned Advocate for the petitioner and Mr. Nirbhay Prashant, learned Advocate for the State.

The writ petition was filed by the petitioner being aggrieved by denial of selection on the post of Male Cook, under Advertisement No. 01/2011, in Female Armed Battalion. The contention of the petitioner before the Writ Court was that he was subjected to hostile discrimination and was asked to run an extra round as compared to other competitors, because of which his performance dropped leading to non-selection.

The State contended that the petitioner was asked to run the same distance as others, but he could not complete it within the scheduled time.

Considering the submissions made on behalf of the parties, the learned Single Judge dismissed the writ application, whereafter the appeal was preferred before the Division Bench. Having Considered the rival submissions made on behalf of the parties, the Division Bench dismissed the appeal.

Mr. Shukla, appearing for the petitioner, submitted that the learned Single Judge had not appreciated the materials brought before the Court and had



passed a cryptic order and unfortunately, even the appeal before the Division Bench was dismissed *in limine*. However, he failed to point out any mistake or error on the face of the record.

At this stage, we must record that in order to satisfy ourselves, we have also looked into the materials brought before the learned Single Judge in the writ application. We are of the opinion that no ground for interference is made out.

In that view of the matter, the present review application is dismissed.

(Ashwani Kumar Singh, J.)

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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