

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1852 of 2016

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Manish Kumar son of Sri Birendra Kumar, R/o Village- Fatehpur, P.S.- Manjhi,
District- Chapra.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, General Administration, Government of Bihar, Patna.
2. The Bihar Staff Selection Commission, Patna through its Secretary.
3. The Secretary, Bihar Staff Selection Commission, Patna.
4. The Chairman, Bihar Staff Selection Commission, Patna.
5. The Officer on Special Duty, Bihar Staff Selection Commission, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra, Adv.

For the Respondent State: None

For the Commission : Mr. S.S.Sundaram, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 18-09-2017

Heard Mr. Binod Murari Mishra, learned counsel for the petitioner and Mr. S.S.Sundaram, learned counsel for the Commission. There is no representation on behalf of the State.

The petitioner prays for appropriate direction to the authorities of the Bihar Staff Selection Commission to recommend his name for appointment following a selection process initiated vide Advertisement No. 110/2010.

It is not in dispute that the petitioner was successful in the preliminary examination. He appeared in the Mains examination held on 27.1.2013 and was successful which result was published some time in August, 2013. According to the petitioner, since thereafter he



received no information from the Staff Selection Commission (hereinafter referred to as 'the Commission') that after representing before 'the Commission' on 21.8.2015, he is before this Court through the present writ petition.

A counter affidavit and supplementary counter affidavit has been filed in which it is stated that by public notice, the successful candidates were informed about the date of counselling, which in the case of the petitioner, who came under disabled category, was fixed on 30.4.2014 as manifest from Annexures R/2 and R/3 to the supplementary counter affidavit filed on behalf of 'the Commission'. Unfortunately the petitioner never appeared for counselling and thus, his candidature was not entertained.

According to the learned counsel for the petitioner, while at every stage of selection process, he was communicated through correspondence, but while issuing notice on participation in the counselling, no intimation was sent or received by the petitioner and thus he could not participate in the same.

May be the petitioner has his justification for non-appearance but then two aspects of the matter which does not persuade to this Court to grant indulgence is that:

(a) the final examination result having been published some time in August, 2013 it took two years for the petitioner to move 'the



Commission’ to ascertain the status and;

(b) having appeared in the Graduate Level Combined Examination held by the Bihar Staff Selection Commission the petitioner was expected to be more vigilant in the matter to verify the position from the website of the Staff Selection Commission which had uploaded not only the notice but also the date for holding counseling as stated by the Commission in their affidavit. If the petitioner has failed to upgrade himself on the electronic communication system, he cannot shift the blame on the postal vagaries to raise a belated claim.

In the circumstances discussed, no cause for indulgence is made out. The writ petition is disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.09.2017
Transmission Date	NA

