

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14404 of 2008

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Ranjit Kumar Singh, son of Nand Lal Singh of Village + P.O. Saharan, P.S. Gogari, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The D.G. cum I.G. of Police, Bihar, Patna,
3. The D.I.G. of Police BMP, N. Zone, Muzaffarpur
4. The Chairman Constable Selection Committee BMP 9 cum S.P. Motihari
5. The Commandant, BMP 9 Jamalpur, Munger

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Hriday Prasad
For the State	:	Mr. Sanjay Prasad, AC to AAG 4
For the CSBC	:	Mr. Sanjay Pandey, Mr. Binod Kr. Mishra, Mr. Vivek Anand Amritesh, Advocates

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date: 10-02-2017

Heard learned counsel for the parties.

The present writ application has been filed for the following relief:

“That this is an application for issuance of appropriate writ, order or direction to appoint the petitioner on the post of Constable at B.M.P.9 Jamalpur and for grant of all consequential benefits.”

The factual matrix would unveil that in pursuance to Advertisement No. 2/04 published on 8.2.2004 in the Hindi daily “Hindustan” , as contained in Annexure 1 for recruitment in Bihar



Military Police (for short 'B.M.P.') – 9, Jamalpur, the petitioner made application. The petitioner subsequently appeared at the physical test and qualified. Thereafter, the petitioner was declared successful and vide letter dated 3.11.2007 the Chairman of B.M.P., North Division Board – 2-cum-Superintendent of Police, East Champaran, Motihari intimated the petitioner that as the petitioner was found qualified in the physical test and was recommended for appointment, hence for necessary verification the petitioner was directed to appear on 12.11.2007 before the Commandant, B.M.P.-9, Jamalpur along with date of birth, educational qualification, NCC, Games, Creamy layer, Home-guard certificates in original and photographs – two passport size and two ticket size. The letter also stipulated that on being fully satisfied with regard to original certificates and health check-up, the appointment would be finalized. The petitioner appeared for medical test and document verification when it was suggested that the petitioner's physical appearance does not tally with the photographs affixed in the application form, thereafter the petitioner produced four photographs for verification of physical appearance but all were not found satisfactory. The petitioner described his name in the application as Ranjeet Kumar whereas he signed as Ranjeet Kumar Singh, as a result, his case was suspected and ultimately, the candidature of the petitioner was cancelled.



It is submitted by learned counsel for the petitioner that maliciously the claim of the petitioner has wrongly been jeopardized by the Commandant. The physical appearance of the petitioner might not have tallied with the photographs affixed on the application form because he suffered from illness during the intervening period. Some photographs were subsequently presented by the petitioner, which tallied with the photograph on the application form, therefore, the authorities ought to have tallied the same with the videography made at the time of test.

Learned counsel for respondent no. 5 submits that the petitioner applied for being appointed as Constable in B.M.P.-9 in pursuance to Advertisement no. 2/04. In the physical test he qualified and thereafter vide Memo No. 1963 dated 3.11.2007, as contained in Annexure – A series, the petitioner was asked to appear for verification of relevant certificates and health checkup. The petitioner appeared on 14.11.2007 before the Commandant, B.M.P.-9, Jamalpur, but during verification it was found that the photographs affixed on the application form did not tally with the physical appearance of the petitioner. Thereafter, the petitioner produced four photographs before the authority but all the photographs were distinguishable from his physical appearance. It is further submitted that the petitioner described his name in the application form as Ranjit Singh whereas he



signed on the said application form as Ranjit Kumar Singh. The letter of appointment dated 15.7.2008 was also issued in the name of Ranjit Singh. The petitioner never made any prayer before the Selection Committee to compare his photograph with that of the videography of physical test. It appears that Annexure B to the counter affidavit, the letter no. 288 dated 27.6.2008 was issued by Kapileshwar Manjhi, Commandant, B.M.P.-9, Jamalpur to Sri S.K. Jha, Chairman, Constable Appointment Selection Board-2-cum-Superintendent of Police, Darbhanga to the effect that the appointment of certain candidates has been cancelled and direction was issued for lodging F.I.R. In the said letter, the name of petitioner figured at serial no. 8 which reflects that the petitioner appeared on 14.11.2007 in the office of the Commandant for verification of documents prior to the appointment but during verification it was found that the photographs submitted at the time of verification and the photograph pasted on the application form of the petitioner, did not tally with each other. In the application form the petitioner described his name as Ranjit Singh whereas he signed in the said application as Ranjit Kumar Singh, hence his case was found to be doubtful and, as such, his candidature was cancelled. A direction was also issued for lodging FIR, consequently, Chhatauni P.S. Case No. 386 of 2008 under sections 467,468 and 471 IPC was registered against nine persons wherein the



name of petitioner appeared at serial no. 8.

Considering the rival submissions of the parties, this Court is of the view that mere inclusion of the name of the petitioner in the merit list does not give him any right to be appointed. It appears that during verification of documents the photograph pasted on the application form did not either tally with the physical appearance of the petitioner or with the photographs subsequently supplied by the petitioner. More over, the petitioner described his name as Ranjit Singh in the application form whereas he signed thereon as Ranjit Kumar Singh. In view of such disputed question of facts, particularly, the fact that the appointments were made more than a decade ago, this Court is not inclined to interfere in the matter.

This writ application is, accordingly, dismissed.

(Dinesh Kumar Singh, J)

Anil/-

AFR/NAFR	N/A
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

