

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18929 of 2015

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1. Birendra Kumar, Son of Shri Ganesh Prasad Mahto, Resident of village - Serathua, P.S. Makhdumpur, District – Jehanabad.
 2. Vinay Kumar, Son of Vijay Ram, Resident of village - Aati, P.S. Aati, District – Gaya.
 3. Vikash Kumar, Son of Manohar Rai, Resident of village - Nagar Nausa, P.S. Nagar Nausa, District - Nalanda (Bihar).

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Defence, Sena Bhawan, New Delhi.
2. The Union Secretary, Ministry of Defence, Sena Bhawan, New Delhi.
3. The Chief Army Staff, Indian Army, Sena Bhawan, New Delhi.
4. The Director General (Recruitment) West Block - III, R.K. Puram, New Delhi.
5. The Deputy Director General of Recruitment, Head Quarter Recruiting Zone, Bihar - Jharkhand Army Recruitment Office, Danapur Cantt., Patna Pin 801503.
6. The Director of State Bihar Jharkhand Headquarter Recruitment Zone, Army Recruitment Office, Danapur Cantt., Patna Pin 801503.
7. The Director, Army Recruitment Centre, Paharpur, Gaya, Pin 824126.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Respondent/s : Mr. S.D Sanjay (ADDL. SOC. GEN.)
Mr. Anshay Bahadur Mathur, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 05-05-2017

Petitioners herein have filed this writ petition in public interest and on going through the grievance of the petitioners it seems that the Area Recruiting Office, Gaya conducted a recruitment process for recruiting personnel to the Army. The same was held as Recruitment Rally between 3rd July, 2013 to 13th July, 2014 at Magadh University Sports Stadium, Bodhgaya. However, grievance of the



petitioners are that they appeared in the Recruitment Rally, various original certificates produced by them were taken by the authorities and now the authorities are refusing to return the original certificates and, therefore, this petition has been filed in the form of public interest litigation.

Sri S. D. Sanjay, Additional Solicitor General of India, representing the Union of India, has filed a detailed counter affidavit and points out that the Rally in question was to be held, but on certain grounds, it was cancelled. However, as the complaints have been received with regard to original certificates of the petitioners being fake or forged, action is being taken against the same and, therefore, at this stage, the documents cannot be returned.

Be that as it may, the fact remains that the petitioners themselves are the aggrieved persons inasmuch as it is their contention that the certificates given by them have been seized. If that be the position, the petitioners being themselves aggrieved should invoke the jurisdiction of this court as aggrieved persons and file the writ petition in their personal capacity, a public interest petition is not maintainable for ventilating the personal grievance of the petitioners. If so desired, the petitioners may file properly constituted writ petition after paying proper court fees and complying with the various other requirement of rules.



With the aforesaid liberty, finding this public interest writ petition not maintainable, it is disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
Uploading Date	10.05.2017
Transmission Date	

