

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1132 of 2015

IN

Civil Writ Jurisdiction Case No. 2021 of 2015

=====

Lalu Singh S/o Shri Budhu Singh, Resident of village - Shekhpura, P.O. - Sadauri
- Karma, P.S. - Nandari - Kala (Khurd), District - Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The D.G.P. Bihar, Patna.
3. The Chairman, Central Selection Board, Constable, Bihar, Patna.
4. The Secretary, Home (Jail) Department, Govt. of Bihar, Patna.
5. The Joint Secretary-cum-Director (Pra.), Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Lal Bahadur Singh

For the Respondent/s : Mr. Kaushal Kumar Jha, AAG14

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-08-2017

Seeking exception to an order passed by the learned
Writ Court in CWJC No. 2021 of 2015 on 25.03.2015, this appeal
has been filed under Clause 10 of the Letters Patent.

In the matter of appointment of Compounder/Dresser, an
advertisement was issued by the departmental authorities.
Subsequently, a corrigendum was issued on 06.08.2010 and the
candidates were directed for submitting their application along
with all documents and the cut-off date fixed for doing so was
21.08.2010. The petitioner submitted his application with the



period stipulated claiming himself to be a candidate belonging to the OBC category but did not submit the certificate, particularly the caste certificate. As a consequence thereof, his candidature was rejected. He filed the writ petition.

The learned Writ Court found that within the cut-off date the documents and certificates were not submitted. Relying upon the judgment of a Division Bench of this Court based on the Supreme Court judgment in the case of **Vandana Govindam vs. State of Bihar & Ors. [2011(2) PLJR 585]** the writ petition was dismissed.

Learned counsel for the appellant vehemently argued that the petitioner had submitted the documents vide Annexure-D on 04.08.2013 and, therefore, his candidature could not be rejected. We are not inclined to accept the aforesaid submission of the appellant. The cut-off date fixed for submission of the application along with all documents was 21.08.2010 and the notice issued to the petitioner based on which he submitted the documents on 04.08.2013, was only for verification of the documents which were earlier submitted before the cut-off date, i.e., 21.08.2010. Petitioner did not submit any document or certificate before the cut-off date. The document filed by the petitioner available on record was issued much after the said cut-off date on 29.07.2013



and, therefore, it is a case where before the cut-off date even the caste certificate was not available with the petitioner.

We are of the considered view that in rejecting the writ petition taking note of all the aspects of matter the learned Writ Court did not commit any error.

The appeal is accordingly dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	25.08.2017
Transmission Date	N.A.

