

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5698 of 2017

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1. Amit Raj, Son of Ram Pravesh Rai, Resident of Village- Kutubpur Saidpur, Post- Kutubpur, Police Station- Bidupur, District- Vaishali, Hazipur.
 2. Bablu Kumar, Son of late Jai Govind Sah, Resident of Village- Hariharpur, Post- Rajauli, Police Station- Hazipur Sadar, District- Vaishali at Hajipur.
 3. Abhinandan Kumar, Son of Rajendra Rai, Resident of Village + P.O.- Sinduari, Police Station- Hazipur Sadar, District- Vaishali at Hazipur.
 4. Vikash Kumar Singh, Son of Samil Singh Resident of Village- Dilawarpur West, Post- Bidupur Bazar, Police Station- Bidupur, District- Vaishali at Hazipur.
 5. Himansu Kumar, Son of Mishri Lal Paswan, Resident of Village- Gurmia Post-Thakan Bujurg, Police Station- Hazipur Sadar, District Vaishali at Hazipur.

.... Petitioner/s

Versus

1. The Union of India through the Ministry of Home Affaris, New Delhi.
2. The Director General, CRPF, CGO Complex, Lodhi Road, New Delhi.
3. Inspector General, CRPF, Patna.
4. The Deputy Inspector General, CRPF, Patna.
5. The Staff Selection Commission (Central Region), Govt. of India, 21-23, Lauder Road, Allahabad- 211002.
6. Dinesh Kumar Toto bearing Roll No. 3206051756, father and son name not known to the petitioner selected on the post Constable CRPF, through D.I.G. CRPF, Patna.
7. Sandeep Kumar, Roll No. 3206039708 father and son name not known to the petitioner selected on the post Constable CRPF, through D.I.G. CRPF, Patna.
8. Arjun Kumar, Roll No. 3205006653 father and son name not known to the petitioner selected on the post Constable CRPF, through D.I.G. CRPF, Patna.
9. Pappu Kumar, Roll No. 3205011013 father and Son name not known to the petitioner selected on the post Constable CRPF, through D.I.G. CRPF, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Adv.
For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.)
Ms. Punam Kumari Singh, CGC
For the Respondent-SSC : Mr. Anjani Kumar Sharan, ASG

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-12-2017

Heard Mr. Jitendra Kumar Roy, learned counsel appearing
for the petitioners, Mr. S.D. Sanjay, learned Additional Solicitor
General for the Union of India who appears with Ms. Punam
Kumari Singh, learned Central Government Counsel and Mr.



Anjani Kumar Sharan, learned Assistant Solicitor General.

The grievance raised by these 5 petitioners herein is that some of the applicants who applied as Other Backward Class (hereinafter referred to as the 'OBC') candidates have been appointed having lesser marks than the petitioners. While petitioner nos.1 to 4 come under the 'OBC' category, the petitioner no.5 comes under Scheduled Caste (hereinafter referred to as the 'SC') category.

A counter affidavit was initially filed in which it was demonstrated that during the process of verification it transpired that some of the candidates had incorrectly mentioned their caste status as 'OBC' when in fact they came under the 'SC' category. It was explained that taking note of such bonafide error that the caste classification given by the applicants was corrected to come under the 'SC' category and since they were within the zone of consideration under the said category hence they were appointed.

It is taking note of the submission made in the counter affidavit that the respondents were directed to confirm the position and when a supplementary counter affidavit is filed enclosing the caste-certificate of one Sandeep Kumar.

Mr Roy, learned counsel appearing for the petitioners is yet not satisfied as according him, the other caste-certificate is not on record.

In my opinion, the only issue which requires consideration



is whether the respondents have done backdoor appointments by offering appointment to 'OBC' category candidates by classifying them as 'SC' candidates for in case there was a bonafide error by the applicant in giving his/her caste category to mention as 'OBC' when in fact they came under the 'SC' category then it was a fair procedure adopted by the respondents to allow those applicants to correct their caste category in the application form.

It is informed by Mr. Sanjay, learned Additional Solicitor General that although caste certificate(s) accompanied the application form but mistakenly the category was mentioned as 'OBC' instead of 'SC' in the application form and which was permitted to be corrected. He further informs that one of the petitioners i.e. petitioner no.5 is a 'SC' candidate but even he does not come in the merit list because the last person appointed in the 'SC' category has secured 51% marks, while the petitioner no.5 has secured 47% marks as admitted by him in paragraph 9 of the writ petition. He thus submits that the instances relied upon by the petitioners to question the selection process is a misconception.

Mr. Roy, learned counsel appearing for the petitioners while referring to the supplementary counter affidavit filed today has submitted that even though the respondents have enclosed the certificate of one of the applicants but the non-enclosure of other certificate(s) would create a doubt in the selection process.

Having heard learned counsel for the parties and



considering the submissions present at paragraphs XIV, XV and XVI where the position has been clarified by the respondent-Union as well as the statement made by the Staff Selection Commission in their counter affidavit, it is manifest that the action complained is a case of grant of opportunity to the applicants for rectification of error in the application forms and not a case of irregularity as projected by the petitioners nor a case of backdoor appointment. Having not secured their position on merits in the ‘OBC’ category or the ‘SC’ category, the petitioners cannot be allowed to indulge in adventurous litigation.

The writ petition is dismissed.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.01.2018
Transmission Date	NA

