

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.775 of 2016
IN
Civil Writ Jurisdiction Case No. 4477 of 2013**

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1. Vishal Kumar, Son of Kameshwar Ray, Resident of Village and Post- Shilhowri
(West Tola), P.S.- Marhowrah, District- Saran.

.... Appellant/s

Versus

1. The Union of India through the Secretary, Ministry of Personnel P.G. Pension Department of Personnel and Training, New Delhi.
2. The Secretary, Ministry of Personnel P.G. Pension Department of Personnel and Training, New Delhi.
3. The Director, Staff Selection Commission, Block- No. 12, C.G.O. complex, Lodhi Road, New Delhi.
4. The Director (M.W.R.) Staff Selection commission, Block No.3, Ground Floor, Kendriya Sadan Sector 9, Chandigarh- 170017.
5. The Dy. Director (M.W.R.) Staff Selection Commission, Block No. 3, Ground Floor, Kendriya Sadan, Sector 9, Chandigarh- 170017
6. The Dy. Director, Staff Selection Commission, (C.R. 21-23, Lowther Road, Allahabad-211002 (U.P.)
7. The Dy. Director, Ministry of Personnel and Training Department, Staff Selection Commission (C.R.), 8 -A-B, Baily Road, Allahabad- 211002 (U.P.).
8. The Secretary, Staff Selection Commission (C.R.), I.T.B.P (Recruitment), Allahabad- 211002 (U.P.).

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Madhu Prasun, Advocate
Mr. Sudarshan Kumar, Advocate
For the Respondent/s : Mr. S.D Sanjay (ADDL. SOC. GEN.)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 29-06-2017



Delay of 76 days in filing the appeal is condoned. I.A. No.3894 of 2016 is allowed.

In the matter of recruitment on the post of Constable (GD) in the Indo Tibet Border Police (in sort ITBP) in the year 2011-12 by the Staff Selection Commission, as the petitioner did not fulfil a condition in the advertisement with regard to producing creamy layer certificate, which was required to have been issued within a period of three years before 4.3.2011, his candidature was rejected and challenging the said rejection, the writ petition was filed.

The learned Writ Court, after detailed evaluation of the entire matter, found that the petitioner having breached the essential condition for participation in the selection process specified in the advertisement with regard to production of a creamy layer certificate, was not entitled to participate in the selection process, dismissed the writ petition.

In doing so, we are of the considered view, the learned Writ Court has not committed any error warranting reconsideration as the learned Writ Court has analyzed the matter in its right perspective and has found the petitioner not eligible for participating in the selection process and has refused to interfere into the mater. Therefore, we see no reason to take a different view from the one



already taken by the learned Writ Court.

That being the position, this appeal is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

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