

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18894 of 2008

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1. Abhayjit Kumar son of Chamak Lal Paswan of Village + P.O. Gandhi Tola Manihari P.S. Manihari District Katihar.
 2. Sagendra Kumar son of Patul Prasad Yadv of village P.O. Khutahan P.S. Kodipur District Bhagalpur.

.... Petitioners

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, B.M.P. N.None Muzaffarpur.
4. The Chairman Constable Selection Committee, B.M.P.9 cum S.P. Motihari.
5. The Commandant, B.M.P.9, Jamalpur, Munger.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad
Smt. Nirmala Kumari

For the Respondent/s : AC to GP - 15

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6. 29-03-2017 Heard Sri Ram Hriday Prasad, learned counsel assisted by Smt. Nirmala Kumari, learned counsel for the petitioner and learned A.C. to Govt. Pleader – 15.

Two petitioners have approached this Court invoking its writ jurisdiction under Article 226 of the Constitution of India, with a prayer to direct the respondents to appoint them, as Constable in B.M.P.-9, pursuant to an advertisement, which was published long back in the year 2004. A plea has been taken that though petitioners were selected, at the time of documents verification, they were refused appointment on the plea that



signature of the petitioner no. 1 was not tallying as also caste certificate of petitioners was utilized by the other candidate.

Learned counsel for the petitioners submits that without going into the merit of the case, the writ petition may be disposed of with an observation that the representation of the petitioner i.e. **Annexure – 2 series** may be examined by the authority concerned and disposed of, whereas, learned State counsel, by way of referring to statement made in paragraph – 4 of the counter affidavit, which was filed on behalf of the respondent no. 5, submits that petitioner no. 1 had already confessed before the authority concerned that in his place, his brother had applied and signed the application form.

Once, it was admitted that the application was filed by some other person, there was no reason to entertain the request of the petitioners. I do not find any ground, even to pass any order for directing the respondent to examine the representation of the petitioner.

The case, being devoid of merit, is dismissed.

(Rakesh Kumar, J.)

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