

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.12132 of 2008**

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Sona Ram, son of Sri Vishwanath Ram, resident of Village – Dalpat Vishunpur,  
P.S.- Dhaka, District – East Champaran

.... .... Petitioner/s

Versus

1. The State of Bihar,
2. The Director General of Police, Bihar, Old Secretariat, Patna
3. The Deputy Director General of police, Bihar, Old Secretariat, Patna
4. The Inspector General (B.M.P.) Bihar, Patna
5. The Assistant to the Inspector General (B.M.P.) Bihar, Patna 14,
6. The Inspector General of Police (Administration) Bihar, Old Secretariat, Patna
7. The Superintendent of Police cum Chairman Aarakshi Chayan Samitee  
Kendriya Mandal Board No. 1, Hazipur, Vaishali

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. R.K.P.SINGH  
Mr. Manish Kishore  
Mr. Bal Bhushan Choudhary

For the Respondent/s : Mr. (AAG5)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL JUDGMENT**

**Date: 25-01-2017**

Heard learned counsel for the parties.

The present writ application has been filed for a direction to the respondent authority to appoint the petitioner on the post of Constable in BMP-5 in the Reserved Category of Scheduled Caste, being a successful candidate, having secured 12 marks in the written and physical test.

It is submitted by learned counsel for the petitioner that in pursuance to Advertisement No. 2/04 published in ‘Hindustan’ issued under the signature of Assistant to the Inspector General (Bihar



Military Police), Patna, the applications were invited from the eligible candidates for the appointment of Constable in Bihar Military Police. Consequently, the petitioner applied. The petitioner appeared in the written test as well as physical test and claims to have secured 12 marks. The petitioner's signature was not obtained in the master chart which was a pre-condition for such candidates who qualified in the physical and written tests. The petitioner was invited to appear for counseling but he was not finally selected. Thereafter, when the petitioner approached the respondent authority, he came to know that he was found over-aged, though as per matriculation certificate the petitioner's date of birth is 1.3.1977 and the required age for scheduled caste category candidate was 18 to 28 years, hence the age of the petitioner was below 27 years. The petitioner also came to know that the measurement of petitioner's chest was 1 C.M. less than what was required, though the petitioner claimed the normal measurement of his chest as 82 C.M. and 87 C.M. after expansion.

It is submitted by learned counsel for respondent no. 7 that though due to clerical error the caste of the petitioner was typed as Other Backward Class (OBC) in the computerized master chart and thus wrongly shown age barred, but the petitioner secured only 10 marks when the last candidate in the wait list in the Scheduled Caste category secured 12 marks. It is further submitted that no candidate



having secured less than 12 marks from the category of the petitioner has been appointed. The normal width of petitioner's chest was 86 C.M. and 90 C.M. on expansion, therefore, the expansion was only 4 C.M., whereas the minimum required difference between the normal chest condition and that of expanded condition was 5 cm as stipulated in Column 9(v)(ga) of the Advertisement No.4/04, i.e. 79 cm (normal) – 84 cm (expanded). Hence, on the above two scores the petitioner could not be selected.

Considering the rival submissions of the parties, this Court finds that, no candidate from the Scheduled Caste category, who ranked below the petitioner in the merit list, has been selected. More over, the petitioner was not found qualified, on the ground that his chest measurement could not meet the measurement which was prescribed in the advertisement.

In the circumstances, this Court finds no merit in the present writ application. It is accordingly dismissed.

**(Dinesh Kumar Singh, J)**

Anil/-

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