

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16368 of 2016

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1. Baccha Sah Son of Sri Rameshwar Sah, resident of Village- Peethaghat,
P.S.- Garkha, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General
Administration Department, Bihar, Patna.
2. The Commissioner, Saran Division, Chapra.
3. The District Magistrate, Siwan.
4. The Deputy Collector (Nazarat), District- Siwan at Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kashyap, Adv.

For the Respondent/s : Mr. Apurva Kumar, A.C. to GA4

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

- 2 20-07-2017 The petitioner is aggrieved by the remarks mentioned as against his name, in the panel so prepared following a selection process that was initiated in pursuance of Annexure-5 in which it is mentioned that the registration certificate issued by the Employment Exchange is not enclosed with the application form. The copy of the application form is present at Annexure-6 and although against the stipulation present at Item No.14, the petitioner claims to have submitted the registration certificate as according to Mr. Prashant Kashyap the documents filed, included the copy of the registration form but in my opinion even if the registration form was not enclosed in the application form, it did not disqualify the petitioner from consideration because in



response to item No.12 the applicant has given the name of the Employment Exchange as well as the number and the coloum does not require the applicant to enclose the copy of the registration form. It is only if the statement made by any applicant to the requirement item No.12 as regarding the name of the District Employment Exchange and the registration number is found to be false that any demand can be made but a mere non-enclosure of the registration certificate cannot be a ground for non consideration of the candidature of the petitioner. If the appointing authority requires the petitioner to produce the same he can direct him to do so but that can not be a ground for rejection of his candidature.

Mr. Apurva Kumar learned A.C. to G.A.4 in reference to Annexure-A to the affidavit though attempts to submit that every candidate had to register with the employment exchange as on 31.3.2013 but in my opinion this would not shift the opinion expressed because any applicant who is duly registered, until such time that the respondents are in possession of any such information which would demonstrate that as on the date of filing of the application, the registration of the applicant with the local employment exchange was not subsisting, it cannot be held a disqualification.



The writ petition is allowed with the direction to the District Magistrate, Siwan to consider the candidature of the petitioner for appointment against the post advertised vide Annexure-5 in the light of the information present at Annexure-6 along with other eligible candidates.

(Jyoti Saran, J)

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