

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.349 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 22923 of 2013**

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Ome Prakash Kumar, Son Of Sri Chandeshwari Prasad Yadav, Resident Of Village
+ P.O. Shyam Via - Udakishunganj, District - Madhepura

.... Appellant/s

Versus

1. The State Of Bihar Through The Principal Secretary, (Home) Police Department, Govt. Of Bihar, Patna
2. The Secretary, Central Selection Board Of Constable, Government Of Bihar, Patna
3. The DIG, Bihar Police Academy, Patna
4. The Superintendent Of Police, Rail, Patna

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ranjeet Kumar, Advocate Mr. Jai Kishore Sharma, Advocate
For the State	:	Mr. P.K. Verma, AAG-3 Mr. S.K. Sharma, AC to AAG-3
For C.S.B.C.		Mr. Kunal Tiwary, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 06-03-2017

I.A. No.1495 of 2016

The application is for condonation of delay of 56 days
in filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory
Application, we are satisfied that the appellant has shown sufficient
cause to seek condonation of delay in filing the present Letters
Patent Appeal.



3. Consequently, Interlocutory Application No. 1495 of 2016 is allowed and delay in filing the Letters Patent Appeal is condoned.

L.P.A. No.349 of 2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 22nd of September, 2015 in C.W.J.C. No.22923 of 2013 whereby, the writ application filed by the appellant was dismissed. The appellant was a candidate for the post of Constable and was selected. While examining the documents, on verification, it was found that the father's name of the appellant is Chandeshwari Prasad Yadav though in the application form he has disclosed his name as Chandeshwari Yadav. Thus, the word 'Prasad' was omitted in the application form.

The stand of the appellant is that it was an inadvertent mistake, when he failed to correctly describe his father's name as Chandeshwari Prasad Yadav. When the mistake was pointed out, he filed an affidavit that his father's name is Chandeshwari Prasad Yadav and by mistake he has filled up in the application form as Chandreshwari Yadav.

The Central Selection Board of Constables has resisted the correction of his father's name on the ground that a large number of candidates appeared in the selection process and many applicants



tried to take chance at more than one places either by manipulating his own name or father's name or other minor details. Around fourteen thousand applications have been rejected on the said ground. Therefore, the acceptance of request of the appellant will not be fair and reasonable.

The appellant has given a declaration, as sought by the Board, to the effect that any error in the application form shall not be corrected. Thus, the correction of the details in the case of the appellant will open Pandora's box allowing other applicants as well to seek correction in the application form submitted.

To err is human. What is stated by the appellant is that word 'Prasad' got omitted in the application form due to inadvertent mistake. Such mistake is said to be unintentional. It is not the case of the Board that the appellant had appeared against any other application form in the same selection process to take another chance of appointment. Since such is not the allegation on behalf of the Board, therefore, the mistake in father's name is an inadvertent mistake. Therefore, for such mistake, the right of appointment after selection to the appellant cannot be denied.

Consequently, we allow the present Letters Patent Appeal, set aside the order of the learned Single Bench and direct the respondents to offer letter of appointment to the appellant if all other



conditions are found fulfilled and proper.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

