

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4547 of 2017

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1. Pintoo Kumar Singh, S/o Kapil Dev Prasad, Vill+P.O.- Karanja, P.S.- Shambhuganj, District- Banka (Bihar), Pin Code- 813207.
 2. Mithlesh Kumar, S/o Ram Nagina Singh, Vill- Kauwa Khonch, P.O.- Pahleja, P.S.- Dehri-on-Sone, District- Rohtas (Bihar), Pin Code- 813207.
 3. Aakash Jaiswal, S/o Suryadeo Prasad Jaiswal, Village- Deokuli, PO+PS- Obra, District- Aurangabad, Bihar, Pin Code- 824124.
 4. Shashi Bhushan Kumar, S/o Ramvinay Bhagat, Village- Manora (Ratanpur), PO+PS- Obra, District- Aurangabad, Bihar, Pin Code- 824124.
 5. Md. Mahtab Alam, S/o Md. Samsuddin Ansari, Vill- Surkhi, PO+PS- Obra, District- Aurangabad, Bihar, Pin Code- 824124.
 6. Ankit Kumar, S/o Dinesh Sharma, Village- Chankaya Puri Colony, LIG-271, Road No.04A, Gaya, Bihar, Pin Code- 823001.
 7. Avinash Kumar, S/o Harinandan Prasad, Vill- Goh, PO+PS- Goh, District- Aurangabad, Bihar, Pin Code- 824203.
 8. Kundan Kumar, S/o Surendra Prasad Singh, Vill+PO- Mahuri, PS+District- Nalanda, Bihar, Pin Code- 803111.
 9. Vikash Kumar Gupta, S/o Ram Vilash Saw, Vill- Pakardih, PO+PS- Imamganj, District- Gaya, Bihar, Pin Code- 824206.
 10. Pramod Kumar, S/o Mohan Prasad, Vill- Khaira Firoj, P.S.+P.O.- Kasma, District- Aurangabad, Bihar, Pin Code- 844125.
 11. Ravi Ranjan Kumar, S/o Amar Singh, Vill- Dharmuha, P.O.- Turki, P.S.- Kudhani, District- Muzaffarpur, Bihar, Pin Code- 844127.
 12. Santosh Kumar, S/o Vaijnath Ray, Vill- Chandrahiya, P.O.- Chadhua, P.S.- Kurhani, District- Muzaffarpur, Pin Code- 844127.
 13. Ritesh Kumar, S/o Shyam Nandan Mahto, Vill- Jawadih, P.S.- Turki, P.S.- Kudhani, District- Muzaffarpur, Bihar, Pin Code- 844127.
 14. Rampyare Kumar, S/o Yamuna Yadav, Vill- Sadhochak, P.O.- Pandey Parsawan, P.S. M.M.C. Gaya, District- Gaya, Bihar, Pin Code- 823004.
 15. Sujeet Kumar, S/o Awdhesh Prasad, Vill- Bichali Malahi, P.O.+P.S.- Barh, District- Patna, Bihar, Pin Code- 803213.
 16. Abhinandan Kumar, S/o Siddhi Mahto, Village- Loharpura, P.O.- Shadipur, P.S.+District- Nawada, Bihar, Pin Code- 805104.
 17. Chandan Kumar Gupta, S/o Yogendra Prasad Gupta, Vill+PO+PS- Kasma, District- Aurangabad, Bihar, Pin Code- 824125.
 18. Pintu Kumar, S/o Ram Vilash Prasad, Vill- Pathra, P.O.+P.S.- Imamganj, District- Gaya, Bihar, Pin Code- 824206.
 19. Pravin Kumar, S/o Yugal Kishor Sharma, Village- Rasulpur, P.O.+P.S.- Haspura, District- Aurangabad, Bihar, Pin Code- 824120.
 20. Nitish Kumar, S/o Kapildeo Prasad Yadav, Vill- Kahariya Beldari, PO+PS- Hisua, District- Nawada, Bihar, Pin Code- 805103.
 21. Shashikant Kumar, S/o Ramswaroop Yadav, Vill- Kahariya Beldari, P.O.+P.S.- Hisua, District- Nawada, Bihar, Pin Code- 805103.
 22. Ranjit Kumar, S/o Kuldeep Yadav, Vill- Dumari, PO+PS- Hisua, District- Nawada, Bihar, Pin Code- 805125.
 23. Sanjay Kumar, S/o Mahendra Prasad Yadav, Vill- Bhajee Bhita, P.O.+P.S.- Rajauli, District- Nawada, Bihar, Pin Code- 805125.
 24. Rakesh Kumar, S/o Kumbhraj Ram, Vill+P.O.- Keshwan, P.S.- Piro, District- Bhojpur, Bihar, Pin Code- 802155.
 25. Manish Ranjan, S/o Dinesh Kumar Singh, Vill- Chapatahi, PO- Chhawarahi, P.S.- Piro, District- Bhojpur, Bihar, Pin Code- 802155.
 26. Shyam Kumar, S/o Shiv Shankar Thakur, Vill- Janipur, P.O.+P.S.- Nanpur, District- Sitamarhi, Bihar, Pin Code- 843333.



27. Indrajeet Kumar, S/o Abhay Kumar, Vill- Sanchipatti Tangaul, PO+PS- Hajipur, District- Vaishali, Bihar, Pin Code- 844101.
28. Amit Kumar, S/o Vidya Sagar Singh, Vill- New Gandak Pul Tangaul, PO+Ps- Hajipur, District- Vaishali, Bihar, Pin Code- 844101.
29. Rajat Kumar, S/o Mahesh Prasad Keshari, Vill- Kako, PO+PS- Kako, District- Jehanabad, Bihar, Pin Code- 804418.
30. Chandan Kumar Ram, S/o Krishna Nand Ram, Vill- Ramdihara, P.O.- Benwaliya, P.S.- Bihiya, District- Bhojpur, Bihar, Pin Code- 802351.
31. Lovkush Pal, S/o Biranchit Pal, Vill+P.O.- Kateya, P.S.- Bihiya, District- Bhojpur, Bihar, Pin Code- 805152.
32. Navin Pal, S/o Lalbahadur Pal, Vill- Niranpur, P.O.- Kateya, P.S.- Bihiya, District- Bhojpur, Bihar, Pin Code- 805152.
33. Rabindra Kumar, S/o Prashuram Singh, Vill- Harnahi, P.O.- Bimwan, P.S.- Jagdishpur, District- Bhojpur, Bihar, Pin Code- 802152.
34. Md. Firoj, S/o Taj Mohammad Ansari, Vill- Kuwardah, P.O.- Hardiya, P.S.- Bihiya, District- Bhojpur, Bihar, Pin Code- 802151.
35. Sudhir Kumar, S/o Vinay Kumar Singh, Vill- Surai, P.O.- Ratnadh, P.S.- Garhani, District- Bhojpur, Bihar, Pin Code- 802203.
36. Jitendra Kumar, S/o Laldev Varma, Vill- Mahendra Nagar, P.O.- Barah, P.S.- Ranitalab (Kanpa), District- Patna, Bihar, Pin Code- 802156.
37. Atal Bihari Yadav, S/o Ambika Yadav, Vill- Bara, P.O.- Khajuriya, P.S.- Muyffasil Ara, District- Bhojpur, Bihar, Pin Code- 802156.
38. Bittu Kumar, S/o Shankar Singh, Vill+P.O.- Barah, P.S.- Ranitalab (Kanpa), District- Patna, Bihar, Pin Code- 801112.
39. Vinita Kumari, D/o Amrendra Singh, Vill- Paltu Chhatni, P.O.- Dhobiakalapur, P.S.- Naubatpur, District- Patna, Bihar, Pin Code- 800111.
40. Priti Kumari, D/o Shrikant, Vill- Ramtari, P.O.- Lai, P.S.- Bihta, District- Patna, Bihar, Pin Code- 801112.
41. Amlesh Kuymar, S/o Haridwar Ram, Vill- Katari, P.O.- Ekjbalganj Nisarpura, Via- Lai, District- Patna, Bihar, Pin Code- 801112.
42. Chandan Kumar, S/o Shambhu Kumar, Vill- Pathlautiya, P.O.- Katesar, P.S.- Bihta, District- Patna, Bihar, Pin Code- 801112.
43. Santosh Kumar, S/o Ram Naresh Sah, Vill- Nanhak Chak, P.O.- Madhurapur, P.S.- Bidupur, District- Vaishali, Bihar, Pin Code- 844503.
44. Md. Zaki Anwer, S/o Md. Khurshid Alam, Vill- Phensaha, P.O.- Ghordour, P.S.- Salkhua, Via- SB Pur, Saharsa, Bihar, Pin Code- 852127.
45. Amar Deep, S/o Makardhwaj Singh, Vill- Shahpur, P.O.- Karsawan, P.S.- Phesar, District- Aurangabad, Bihar, Pin Code- 824121.
46. Sumit Kumar, S/o Bigan Singh, Vill+P.O.- Nagariyawan, P.S.- Khizersarai, District- Gaya, Bihar, Pin Code- 823003.
47. Ramesh Kumar, S/o Ram Kumar Singh, Vill- Chandi, P.O.- Itwan, P.S.- Hashpura, District- Aurangabad, Bihar, Pin Code- 824120.
48. Avinash Kumar, S/o Upendra Singh, Vill+P.O.- Jalpura, P.S.- Hashpura, District- Aurangabad, Bihar, Pin Code- 824120.
49. Ranjay Kumar, S/o Mahendra Kumar Pankaj, Vill- Balhma, P.O.- Babu Amouna, P.S.- Daudnagar, District- Aurangabad, Bihar, Pin Code- 824143.
50. Subham Kumar, S/o Akhilesh Kumar, Vill+PO+PS- Hashpura, District- Aurangabad, Bihar, Pin Code- 824120.
51. Sudhir Kumar, S/o Ramchandra Yadav, Vill- Gulariya Chak, P.O.- Mushi, P.S.- Tekari, District- Gaya, Bihar, Pin Code- 824236.
52. Rakesh Kumar, S/o Vinod Prasad, Vill- Kharjama, P.O.- Rewan, P.S.- Masaurhi, District- Patna, Bihar, Pin Code- 804454.
53. Amit Kumar, S/o Ram Ayodhya Prasad Singh, Vill- Lakshu Bigha, P.O.- Pandooi, P.S.- Paras Bigha, Jehanabad, Bihar, Pin Code- 804417.
54. Shlok Kumar, S/o Ram Chandra Paswan, Vill- Shankar Bigha, P.O.- Injore,



- P.S.- Mehandia, Arwal, Bihar, Pin Code- 804428.
55. Dinesh Kumar, S/o Indradeo Kumar, Vill- Maquebulpur, P.O.- Makhdumabad, P.S.- Parasi, Arwal, Bihar, Pin Code- 804402.
56. Mintu Kumar, S/o Srinivas Singh, Vill- Saheb Tola, P.O.+P.S.- Bihiya, District- Bhojpur, Bihar, Pin Code- 802152.
57. Ankita Bharti, S/o Bajju Mahto, Vill- Bhualtar, P.O.- Kadhar, P.S.- Kawakol, District- Nawada, Bihar, Pin Code- 805106.
58. Bobby Kumari, D/o Ram Bilash Mahto, Vill- Aejaani Ghat, P.O.+P.S.- Birupur Lakhisarai, Bihar, Pin Code- 811302.
59. Dipchandra Kumar Sah, S/o Yugal Kishor Sah, Vill+PO- Rewa, P.S.- Saraiya, District- Muzaffarpur, Bihar, Pin Code- 843101.
60. Suraj Kumar, S/o Kishori Mahto, Vill+P.O.- Kanta, P.S.- Jayghat, District- Muzaffarpur, Bihar, Pin Code- 847107.
61. Prem Kumar Tiwari, S/o Kamlesh Tiwari, Vill- Chandwardai Nagar, P.S.- Balughat, District- Muzaffarpur, Bihar, Pin Code- 842001.
62. Ashutosh Kumar, S/o Rajnandan Prasad, Vill+P.O.- Chouri, P.S.- Daudnagar, District- Aurangabad, Bihar, Pin Code- 824127.
63. Randhir Kumar Yadav, S/o Ganesh Yadav, Vill- Raghunathpur, P.O.- Shampur, P.S.- Kharagpur, Munger- 821112.
64. Prabhat Kumar, S/o Parmanand Singh, Vill+P.O.- Bhadaura, P.S.- Haveli Kharagpur, Munger, Bihar, Pin Code- 811211.
65. Sanjeet Kumar, S/o Balmukund Prasad, Vill- Halimachak, P.O.- Akamba, P.S.- Fatehpur, District- Gaya, Bihar, Pin Code- 824232.
66. Alok Kumar, S/o Shiv Kumar Ray, Vill- Manager Balupar, P.O.+P.S.- Maner, District- Patna, Bihar, Pin Code- 801108.
67. Kundan Kumar, S/o Brijnandan Paswan, Vill+P.O.- Korauna, P.S.- Jehanabad, Bihar, Pin Code- 804417.
68. Nitesh Kumar, S/o Chhotan Singha, Vill- Imaliyachak, P.O.- Saidabad, P.S.+District- Jehanabad, Bihar, Pin Code- 804417.
69. Ritesh Kumar, S/o Ganesh Sharma, Vill- Chauthiya, P.O.+P.S.- Bikram, Patna, Bihar, Pin Code- 8901104.
70. Dileep Kumar, S/o Preman Mistri, Vill- Bikram Banglapar, P.O.+P.S.- Bikram, Patna, Bihar, Pin Code- 801104.
71. Reeshiraj Chandrabanshi, S/o Mwnarik Chandrabanshi, Vill- Shahpur, P.O.- Karsawan, P.S.- Phesar, District- Aurangabad, Bihar, Pin Code- 824121.
72. Rupesh Kumar, S/o Raj Kumar Yadav, Vill- Kendua, P.O.- Shyamnagar Nima, P.S.- Gurua, District- Gaya, Bihar, Pin Code- 824211.
73. Deepak Raj, S/o Ramadhar Singh, Vill- Chhaku, P.O.- Kanap, P.S.- Daudnagar, District- Aurangabad, Bihar, Pin Code- 824120.
74. Navin Kumar Tiwari, S/o Ganesh Tiwari, Vill- Chanpur, P.O.- Charghat, P.S.- Bihiya, District- Bhojpur, Bihar, Pin Code- 824120.
75. Sumer Raj Vansh, S/o Umesh Prasad, Vill- Chitrakut Nagar, Road No.3A4, Takiyapar, P.O.- Digha, P.S.- Danapur, District- Patna, Bihar, Pin Code- 8000112.
76. Abhishek Kumar Bisen, S/o Shiv Chandra Singh, Vill- Pathar, P.O.- Garahani, P.S.- Charpokhari, District- Bhojpur, Bihar, Pin Code- 802203.
77. Kundan Kumar Dubey, S/o Raj Bahadur Dubey, Vill- Sikahariya, P.O.- Sonpay, District- Jamui, Bihar, Pin Code- 811307.
78. Ranjeev Kumar, S/o Ganauri Singh, Vill- Purhara, P.O.- Purhara, P.S.- Haspura, District- Aurangabad, Bihar, Pin Code- 824120.
79. Laukesh Kumar, S/o Amresh Singh, Vill- Murla Bigha, P.O.- Rampur Chay, P.S.- Karpi, District- Arwal, Bihar, Pin Code- 804428.
80. Guddu Kumar, S/o Deyal Saw, Vill+P.O.- Plihara, P.S.- Haspura, District- Aurangabad, Bihar.
81. Ashok Kumar, S/o Suresh Singh, Vill- Rampur Chay, P.S.- Karpi, District- Arwal, Bihar, Pin Code- 804428.



82. Roushan Kumar, S/o Satish Kumar Singh, Vill- Dearthwon, P.O.- Dearthwon, P.S.- Kashichak, District- Nawada, Bihar, Pin Code- 805130.
83. Sanjeev Kumar, S/o Arjun Prasad, Vill- Rupaspur, P.O.- Islampur, P.S.- Khudaganj, District- Nalanda, Bihar, Pin Code- 801303.
84. Subalal Kumar, S/o Dularchand Singh, Vill- Sarwan, P.O.- Sarwan, P.S.- Rampur Chauram, District- Arwal, Bihar, Pin Code- 804402.
85. Sanjay Kumar, S/o Ramdeo Rabindas, Vill- Kishanpur, P.O.- Ekamba, P.S.- Fatehpur, District- Gaya, Bihar, Pin Code- 824232.
86. Yogendra Prasad, S/o Tulasi Prasad, Vill- Naraura, P.O.- Chandrakaiti, P.S.- Chenari, District- Rohtas, Bihar, Pin Code- 821104.
87. Mukesh Kumar Singh, S/o Rameshwar Singh, Vill+PO- Dawan, P.S.- Jagdishpur, District- Bhojpur, Bihar, Pin Code- 802152.
88. Shivnandan Singh, S/o Ramranjan Prasad Singh, Vill+PO- Tenduni, P.S.- Jagdishpur, District- Bhojpur, Bihar, Pin Code- 802152.
89. Ravindra Kumar, S/o Ramjee Ram, Vill+PO- Bihiya Gaon, PO- Bihiya, P.S.- Bihiya, District- Bhojpur, Bihar, Pin Code- 802152.
90. Abhishek Kumar, S/o Rajendra Prasad, Vill+PO- Bihiya Gaon, PO- Bihiya, P.S.- Bihiya, District- Bhojpur, Bihar, Pin Code- 802152.
91. Ratan Kumar, S/o Dinesh Singh, Vill+PO- Bihiya Gaon, PO- Bihiya, P.S.- Bihiya, District- Bhojpur, Bihar, Pin Code- 802152.
92. Sanjay Kumar Singh, S/o Lalan Singh, Vill+PO- Dawan, P.S.- Jagdishpur, District- Bhojpur, Bihar, Pin Code- 802152.
93. Mantu Kumar, S/o Narayan Singh, Vill- Sembhua, P.O.- Teri, P.S.- Mehendiya, District- Arwal, Bihar, Pin Code- 804428.
94. Ratan Kumar Singh, S/o Satyanarayan Singh, Vill- Saheb Tola, PO+PS- Bihiya, District- Bhojpur, Bihar, Pin Code- 802152.
95. Indrajeet Kumar Singh, S/o Ramchandra Singh, Vill- Ishwar Singh Ke Tola, P.O.- Baulipur, District- Jagdishpur, Bihar, Pin Code- 802152.
96. Vikash Kumar, S/o Ajay Sahani, Vill+PO- Mayhar, P.S.- Pakri Dayal, District- East Champaran, Bihar, Pin Code- 845428
97. Om Prakash Singh, S/o Ramniwas Singh, Vill- Dhol, P.O.- Arthua, P.S.- Kasma, District- Aurangabad, Bihar, Pin Code- 824125.
98. Dhananjay Lal Srivastav, S/o Bhikhari Lal Srivastav, Vill+P.O.- Milki Ishwarpura, P.S.- Shahpur, District- Bhojpur, Bihar, Pin Code- 802112.
99. Ranjan Kumar, S/o Shambhu Nath Sah, Vill+PO- Panapur Langa, P.S.- Hajipur Sadar, District- Vaishali, Bihar, Pin Code- 844124.
100. Guddu Kumar, S/o Jaga Sah, Vill+PO- Panapur Langa, P.S.- Hajipur Sadar, District- Vaishali, Bihar, Pin Code- 844124.
101. Sunil Kumar, S/o Surendra Singh, Vill- Maksadpura Purani, PO+PS- Hajipur, District- Vaishali, Bihar, Pin Code- 844101.
102. Sundar Kumar Verma, S/o Haridwar Prasad, Vill+P.O.- Benwaliya, P.S.- Bihiya, District- Bhojpur, Bihar, Pin Code- 803251.
103. Rajan Kumar, S/o Kameshwar Ram, Vill- Singhiya Sagar, P.O.- Chailahan, P.S.- Chailahan, P.S.- Banjariya, District- East Champaran, Bihar.
104. Ravi Shankar Kumar, S/o Vijendra Singh, Vill- Rajhunathpur, P.O.- Shaidabad, P.S.- Ranitalab, Patna.
105. Ritesh Kumar, S/o Jagatanand Singh, Vill- Halkhori Tola, PO- Dawan, P.S.- Jagdishpur, Bhojpur (Bihar) Pin Code- 802152.

.... Petitioner/s

Versus

1. The Union of India through its Secretary, Home Department, New Delhi.
2. Central Staff Selection Commission through its Chairman, Lodi Road, New Delhi.
3. The Director General, C.R.P.F., C.G.O. Complex, Lodi Road, New Delhi.



4. The Regional Director (CR) SCC 8-AB, Baily Road Allahabad, U.P.
5. The Regional Director (ER) SSC Kolkata, West Bengal 8th floor 234/4 (Acharya J.C. Bose Road) Kolkata
6. The Regional Director (NER) SSC Guahati
7. The Dy. Director (MOR) SSC J.S. Anupam Nagar Raipur, Chattisgarh

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 5129 of 2017

=====

1. Bisnudeep Kumar, S/o Umesh Singh, Resident of village - Ratan Bigha, P.O. Chein, P.S. Salaiya, District - Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The Union of India through its Secretary Home Department New Delhi
2. The Regional Director (CR) Staff Selection Commission 8 - AB Baily Road Allahabad Uttar Pradesh - 211002
3. The Director General Central Reserve Police Force C.G.O. Complex, Lodhi Road, New Delhi

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 7037 of 2017

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1. Upendra Kumar, son of Krishna Prasad, resident of Village and P.O.- Dhelwan, P.S.- Ramkrishna Nagar, District- Patna.
2. Avishek Kumar, son of Anil Thakur, resident of Village- Bigrampur, Patna, P.S.- Jakkampur, District- Patna.
3. Sanjay Kumar, son of Surendra Singh, resident of Village and Post- Prasadi English, P.S. and District- Arwal.
4. Manish Kumar, son of Surendra Singh, resident of Village and Post- Prasadi English, P.S. and District- Arwal.
5. Nagendra Kumar, son of Jayram Singh, resident of Village- Neyaj Hussain Bigha, Post- Prasadi English, P.S. and District- Arwal.
6. Manish Kumar, son of Surendra Prasad, resident of Village- Pipra, P.S.- Samaspur, P.S.- Belaganj, District- Gaya.
7. Sunny Kumar, son of Umesh Singh, resident of Village- Dirpal Bigha, Post- Prasadi English, P.S. and District- Arwal.
8. Mandesh Tiwari, son of Surendra Tiwari, resident of Village- Hathiya Bandh, P.O.- Khanthi, P.S.- Sonhan District- Kaimur at Bhabhua.

.... Petitioner/s

Versus

1. The Union of India through the Chairman, Staff Selection Commission, Govt. of India, Block No.12, Central Office Campus, Lodhi Road, New Delhi.
2. The Chairman, Staff Selection Commission, Govt. of India, Block No.12, Central Office Campus, Lodhi Road, New Delhi.
3. The Director, Staff Selection Commission, Govt. of India, Block No.12, Central Office Campus, Lodhi Road, New Delhi.
4. The Regional Director, (Central Region), Staff Selection Commission, Govt. of India, 21-23, Lowther Road, Allahabad (U.P.)- 211002.
5. The Deputy Director, (Central Region), Staff Selection Commission, Govt. of



India, 21-23, Lowther Road, Allahabad (U.P.)- 211002.

6. The Director General, Directorate General, CRPF, CGO Complex, Lodhi Road, New Delhi- 110003.

7. The Deputy Inspector General (Recruitment), CRPF, Central Office, Block No.1, Lodhi Road, New Delhi- 110003.

8. The Commandant, BSF Campus Kishanganj (Khagra Camp), Post and District- Kishanganj, Bihar- 855107.

9. The Presiding Officer, BSF Campus Kishanganj (Khagra Camp), Post and District- Kishanganj, Bihar- 855107.

10. The Commandant, Group Centre, CRPF, Mokamaghat, Bihar- 803303.

11. The Presiding Officer, CRPF Centre, CRPF, Mokamaghat, Bihar- 803303.

12. The Commandant, 40th BN, ITBP, Vill- Sukurhuttu and Gagi, Circle/Post- Kanke, Ranchi, Jharkhand- 834002.

13. The Regional Director (Eastern Region), Staff Selection Commission, Govt. of India, Kolkata (W.B.)-700020

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 8326 of 2017

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1. Sunil Kumar son of Late Chandra Mohan Singh, Resident of Mohalla- Matasthan, Bhagat Tola, Ward No. 28, Araria, P.O. and P.S.- Araria, District- Araria.

2. Vinod Kumar Gond son of Genu Sah, Resident of Village and P.O.- Lamichour, P.S.- Bhore, District- Gopalganj.

.... Petitioner/s

Versus

1. The Union of India through the Chairman, Staff Selection Commission, Govt. of India, Block No. 12, Central Office Campus, Lodhi Road, New Delhi.

2. The Chairman, Staff Selection Commission, Govt. of India, Block No. 12, Central Office Campus, Lodhi Road, New Delhi.

3. The Director, Staff Selection Commission, Govt. of India, Block No. 12, Central Office Campus, Lodhi Road, New Delhi.

4. The Regional Director, (Central Region), Staff Selection Commission, Govt. of India, 21-23, Lowther Road, Allahabad (U.P.)-211002.

5. The Deputy Director, (Central Region), Staff Selection Commission, Govt. of India, 21-23, Lowther Road, Allahabad (U.P.)-211002.

6. The Director General, Directorate, CRPF, CGO, Central Office, Block No. 1, Lodhi Road, New Delhi- 110003.

7. The Deputy Inspector General (Recruitment), CRPF, Central Office, Block No. 1, Lodhi Road, New Delhi- 110003.

8. The Presiding Officer, 56th BN, SSB Araria-I, Koshi Project Colony, P.O.- Bathnaha, District- Araria, Bihar- 854315.

9. The Commandant, 12th BN, SSB, Kishanganj, Near NH-31, Biscuit Factory, Post & District- Kishanganj, Bihar- 855107.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 5209 of 2017

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1. Vinod Kumar Singh son of Dudhnath Singh Resident of village + P.O. - Dhungain, P.S. - Bikramganj, District - Rohtas.



.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, Government of India.
2. The Additional Director General of Police, Central Reserve Police Force, Central Office Compound, Block No. 1, Lodhi Road, New Delhi.
3. The Deputy Director Staff Selection Commission Central Region, Luder Road, Allahabad.
4. Indo Tibetan Border Police, Shivpuri Madhya Pradesh 473551.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 7087 of 2017

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1. Satesh Paswan Son of Ramesh Paswan Resident of Village-Gonwan, P.O.- Shakurabad, P.S.-Paras Bigha, District-Jehanabad, Pin-804425
2. Chandan Paswan Son of Shivshankar Paswan Resident of Village-Pawarapur, P.O. Kesath, P.S.-Nawanagar District-Buxar, Pin-802125

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Home Department, New Delhi
2. The Additional Director General of Police, Central Reserve Police Force, Central Officer, Compound Block No.- 1, Lodhi road New Delhi.
3. The Deputy Director Staff Selection Commission, Central Region, Luder Road, Allahabad-21102.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 4846 of 2017

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1. Rajeev Kumar, Son of Diwali Pandit, Resident of Village- Delavil Lane, P.O.- Danapur Cant, P.S.- Danapur, District- Patna.
2. Mukesh Kumar, Son of Kapil Yadav, Resident of Village- Narawat, P.O.- Piyar, P.S.- Atri, District- Gaya.
3. Pintu Kumar, Son of Ramsharan Yadav, Resident of Village- Fatehpur, P.O.- Manjhauli, P.S.- Wazirganj, District- Gaya.
4. Amarnath Pandit, Son of Suryadeo Rajapti, Resident of Village- Khizarpura, P.O.- Bijubigha, P.S.- Buniyadganj, District- Gaya.
5. Rajveer Kumar, Son of Raj Kumar Yadav, Resident of Village- Kendua, P.O.- Shayamnagar Nima, P.S.- Gurua, District- Gaya.
6. Sonal Kumar, Son of Mahendra Sharma, Resident of Village- Kewla, P.O.- Kadhariya, P.S.- Wazirganj, District- Gaya.
7. Sharwan Kumar, Son of Ram Vriksh Prasad, Resident of Village- Lohagara, P.O.- Manjhoul, P.S.- Wazirganj, District- Gaya.
8. Ajay Yadav, Son of Ram Chandra Yadav, Resident of Village- Naudhariya, P.O.- Bijubigha, P.S.- Buniyadganj, District- Gaya.
9. Ravi Kumar, Son of Shiv Shambhu Saw, Resident of Village- Malhara, P.O.- Malhara, P.S.- Haspura, District- Aurangabad.
10. Surendra Kumar, Son of Tulsi Prasad Yadav, Resident of Village- Bhojpur, P.O.- Jethiyan, P.S.- Atri, District- Gaya.
11. Rahul Sharma, Son of Ramashish Sharma, Resident of Village- Bheriya Khurd,



P.O.- Bijubigha, P.S.- Buniyadganj, District- Gaya.

12. Mukesh Kumar, Son of Ganesh Pandit, Resident of Village- Wazirganj, P.S.- Wazirganj, District- Gaya.

.... Petitioner/s

Versus

1. The Union of India.

2. The Additional Director General of Police, Central Resewe Police Force, Central Office, Compound, Block No.1, Lodhi Road, New Delhi.

3. The Deputy Director Staff Selection Commission Central Region, Luder Road, Allahabad- 21102.

4. The Regional Director, Eastern Region Staff Selection Commission, Govt. of India, Kolkata (W.B.)-700020

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 4637 of 2017

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1. Ritesh Kumar, S/o- Sri Mahendra Narayan Singh, R/o- At & P.O.- Udwant Nagar, P.S.- Udwant Nagar, District- Bhojpur (Ara).

2. Nishant Kumar Prabhat, S/o- Narad Muni Singh, R/o Village- Dhauri, P.O.- Kharawon Kalla, P.S.- Sahar, District- Bhojpur (Ara).

3. Rajiv Ranjan Kumar, S/o- Sri Ashok Kumar, R/o Village- Sumera, P.O.- Malathi, P.S.- Makhdumpur, District- Jehanabad.

4. Ramayodhya Singh, S/o- Jairam Singh, R/o Village- At & P.O.- Udwant Nagar, P.S.- Udwant Nagar, District- Bhojpur (Ara).

5. Vivek Kumar, S/o- Sri Chandra Shekhar Sudhansu, R/o Village- At & P.O.- Shahpur, P.S.- Shahpur, District- Bhojpur (Ara).

6. Gagendra Kumar Singh, S/o- Shashi Kant Singh, R/o Village- Bachari, P.O.- Akhgaon, P.S.- Sandesh, District- Bhojpur (Ara).

7. Ravindra Kumar Singh, S/o- Jawaharlal Singh, R/o Village- Narhi, P.O.- Narayanpur Banghur, P.S.- Agiaon Bazar, District- Bhojpur (Ara).

8. Praveen Kumar Dubey, S/o- Pradeep Kumar Dubey, R/o Village- Chaurain, P.O.- Bhelain, P.S.- Udwant Nagar, District- Bhojpur (Ara).

9. Rishabh Kumar Singh, S/o- Nirmal Kumar Singh, R/o Village- Ghanghar, P.O.- Sinhaghat, P.S.- Krishna Garh, District- Bhojpur (Ara).

10. Sonu Kumar Gupta, S/o- Vishwanath Sah, R/o Village- At & P.O.- Udwant Nagar, P.S.- Udwant Nagar, District- Bhojpur (Ara).

11. Amrit Raj, S/o- Chaturbhuj Singh, R/o Village- At & P.O.- Udwant Nagar, P.S.- Udwant Nagar, District- Bhojpur (Ara).

12. Aakash Singh, S/o- Sri Ajay Singh, R/o Village- Aama, Post- Karisat, P.S.- Udwant Nagar, District- Bhojpur (Ara).

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Home Department, New Delhi.

2. Central Staff Selection Commission through its Chairman, Lodhi Road, New Delhi.

3. The Director General, Central Reserve Police Force, C.G.O. Complex, Lodhi Road, New Delhi.

.... Respondent/s

with



Civil Writ Jurisdiction Case No. 15716 of 2017

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1. Anita Kumari Daughter of Bharat Mahto Resident of Village - Ossain, P.O. + P.S. - Bihiya, District - Bhojpur.
 2. Sadanand Kumar Son of Shailendra Prasad Resident of Village - Jhayan, P.O. - Shadipur, P.S. - Nawada, District - Nawada.
 3. Vikash Kumar Son of Jayram Yadav Resident of Village - Bangla Asthan, Maharani Road, Pahsi, District - Gaya.
 4. Chandsee Kumar Son of Rajdeo Mahto Resident of Village - Harigowan, P.O. + P.S. - Belaganj, District - Gaya.
 5. Md. Riyajuddin Son of Md. Nizamuddin Resident of Village - Kateya, P.O. - Kateya, P.S. - Bihiya, District - Bhojpur.
 6. Sunil Kumar Prasad Son of Ram Kumar Prasad Resident of Village - Kateya, P.O. - Kateya, P.S. - Bihiya, District - Bhojpur.
 7. Binay Kumar Son of Naresh Prasad Resident of Village - Noniya Bigha, P.O. - Nashratpur, P.S. - Dhanrua, District - Patna.
 8. Vimal Kumar Son of Satendra Kumar Resident of Village - Pakri, P.O. - Bhaiswan, P.S. - Masaurhi, District - Patna.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Home Department, New Delhi.
2. The Additional Director General of Police, Central Reserve Police Force, Central Office, Compound Block No. 1, Lodhi Road, New Delhi.
3. The Deputy Director Staff Selection Commission, Central Region, Ludar Road, Allahabad - 21102.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 14085 of 2017

=====

1. Rahul Kumar, S/o ganesh Yadav, Resident of Village-Ram Singh Tola, Post Office-Kutlupur, P.S.-Muffasil, District-Munger.
2. Animul Islam, Son of Md. Samim Alam, Resident of Village-Nandiha, P.S.-Khijersarai, District-gaya.
3. Manoj Paswan Son of Devendra Paswan, Resident of Village-Tariyani Chapra P.O.- Tariyani, P.S.-Tariyani, District-Sheohar.
4. Himanshu, Son of Rajendra Raj, Resident of Village-Padraun, P.O.-Louriya, P.S.-Louriya, District-West Champaran.

.... Petitioner/s

Versus

1. The Union of India, through the Secretary, Home Department New Delhi.
2. The Additional Director, General of Police, Central Reserve Police Force, Central Office, Compound Block no.1, Lodhi Road, New Delhi.
3. The Deputy Director Staff Selection Commission, Luder Road, Allahabad-21102.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 17651 of 2017

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1. Pooja Kumari, Daughter of Anjani Singh, Resident of Village- Chakwath, P.O.-Mahuaon, P.S.- Bihiya, District- Bhojpur.
2. Manish Kumar Ojha, Son of Satyendra Noth Ojha, Resident of Village- Kateya,



P.S.- Bihiya, District- Bhojpur

3. Krishna Kumar Mishra, Son of Shiv Shankar Mishra, Resident of Village- Kateya, P.O.- Kateya, P.S.- Bihiya, District- Bhojpur.

4. Amit Kumar Ojha, Son of Surendra Ojha, Resident of Village- Kateya, P.O.- Kateya, P.S.- Bihiya, District- Bhojpur.

5. Kumar Abhayanand, Son of Bhuvneshwar Thakur, Village- Mani Bhakurahar, P.S.- Sarai District- Vaishali.

6. Navneet Kumar Rai, Son of Rabindra Rai, Resident of Village- Gobinapur, P.O.- Pukharia Rai, P.S.- Chanpatiya, District- West Champaran.

7. Deepak Kumar, Son of Arbind Kumar Singh, Village+P.O.- Sedahan, P.S.- Tarai, District- Bhojpur.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Home Department, New Delhi.

2. The Additional Director, General of Police, Central Reserve Police Force, Central Office, Compound Block No-1, Lodhi Road New Delhi.

3. The Deputy Director, Selection Commission, Central Region, Ludar Road, Allahabad- 21102.

.... Respondent/s

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Appearance:

(In CWJC No.4547 of 2017)

For the Petitioner/s : Mr. Rajendra Pd. Singh, Sr. Advocate
Mr. Nityanand Mishra
Mr. Mukesh Kumar Singh
Mr. Rajeev Kumar Singh

For the U.O.I. : Mr. Anjani Kumar Sharan, A.S.G.
Mr. Rajesh Kumar Verma

(In CWJC No.5129 of 2017)

For the Petitioner/s : Mr. Mukesh Kumar Singh
For the Respondent/s : Mr. S.D SANJAY (ADDL. SOC. GEN.)

(In CWJC No.7037 of 2017)

For the Petitioner/s : Mr. Nityanand Mishra
For the Respondent/s : Mr. S.D SANJAY (ADDL. SOC. GEN.)

(In CWJC No.8326 of 2017)

For the Petitioner/s : Mr. Nityanand Mishra
For the Respondent/s : Mr. S.D SANJAY (ADDL. SOC. GEN.)

(In CWJC No.5209 of 2017)

For the Petitioner/s : Mr. Kalyan Shankar
For the Respondent/s : Mr. S.D SANJAY (ADDL. SOC. GEN.)

(In CWJC No.7087 of 2017)

For the Petitioner/s : Mr. Kalyan Shankar
For the Respondent/s : Mr. S.D SANJAY (ADDL. SOC. GEN.)

(In CWJC No.4846 of 2017)

For the Petitioner/s : Mr. Kalyan Shankar
For the Respondent/s : Mr. S.D SANJAY (ADDL. SOC. GEN.)

(In CWJC No.4637 of 2017)

For the Petitioner/s : Mr. Rajeev Kumar Singh
For the Respondent/s : Mr. S.D SANJAY (ADDL. SOC. GEN.)

(In CWJC No.15716 of 2017)

For the Petitioner/s : Mr. Kalyan Shankar
For the Respondent/s : Mr. S.D SANJAY (ADDL. SOC. GEN.)

(In CWJC No.14085 of 2017)

For the Petitioner/s : Mr. Kalyan Shankar



For the Respondent/s : Mr. S.D SANJAY (ADDL. SOC. GEN.)
(In CWJC No.17651 of 2017)
For the Petitioner/s : Mr. Kalyan Shankar
For the Respondent/s : Mr. S.D.SANJAY (A.S.G.)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
C.A.V. JUDGMENT
Date: 05-04-2018

The Ld. Counsels of various writ petitions have got their cases tagged to the first case i.e. CWJC No. 4547 of 2017 on the pretext that the issue involved in all the writ petitions are same and similar as well as all the writ petitions arise out of the same selection process. It has been agreed amongst the learned counsels, appearing in various writ petitions, that the lead argument would be advanced by Shri Rajendra Prasad Singh, Ld. Senior Advocate and the other counsels would adopt the same.

In view of the aforesaid, since all the writ petitions arise out of the same selection process and the issue to be adjudicated in the said batch of writ petitions are similar, the aforesaid batch of writ petitions have been heard together with the consent of learned counsel for the parties and are being disposed of by the present common judgment.

The learned counsel for the various writ petitioners have also prayed that the first case i.e. CWJC No. 4547 of 2017 be taken as the lead case for the purposes of adjudication of the issue involved in the aforesaid batch of writ petitions.

The short facts of the case are that the recruitment on the post of constable was initiated by the Staff Selection Commission (hereinafter referred to as the 'S.S.C.') on the basis of the policy of the Ministry of Home Affairs. The notification for recruitment to the post of Constable Exam-2015 was published by way of an advertisement dated 24.01.2015



for appointment in the various forces like CAPFs, NIA, SSF, Rifleman (GD) in Assam Rifle etc. Initially, advertisement was issued for recruitment to 62,390 posts of constables. After the candidates had applied, the admit cards for 57,44,100 candidates were uploaded on the concerned website on 20.04.2015 for the purposes of taking the Physical Evaluation Test (PET). The Physical Evaluation Test was conducted with effect from 25.03.2015 to 30.07.2015. Thereafter, the successful candidates were given admit cards for the written examination which was conducted by the S.S.C. on 04.10.2015 for those candidates who were found qualified in PST-PET. The result of the written examination was declared by the S.S.C. on 14.03.2016 and 07.04.2016. The cut off marks of various categories for various States were fixed. The candidates, who had qualified, were then called for the Detailed Medical Examination which was held in the month of May-June, 2016. Subsequently, the Review Medical Examination of the candidates, who had appealed against their unfitness in the Detailed Medical Examination, were conducted in between 23.08.2016 to 11.09.2016. Finally, the S.S.C. declared the result of the candidates selected on 02.02.2017. A total number of 51,678 male candidates and 5,336 female candidates were provisionally selected.

The Ld. Senior Counsel Shri Rajendra Prasad Singh, assisted by Shri Nityanand Mishra and Shri Rajiv Kumar Singh, advocates has submitted that though the initial vacancies were 62390, however, the same was increased to 64,066, out of which 57014 candidates have been appointed on the post of Constable. It is further submitted that there are candidates who had applied under the O.B.C. category but have been



recommended in the Scheduled Caste category for the purposes of appointment. The learned senior counsel has raised various issues for the purposes of assailing the selection process. Firstly, it has been submitted that during the course of the selection process, the cut off marks have been changed. Secondly, it is submitted that out of the total number of selected candidates some of them have been kept under the suspected list and in some cases such candidates have been kept under the mismatch category on account of detection of difference in signature / hand writing / L.T.I. as well as on account of various other reasons, hence the said vacancies arising out of mismatch category should be filled up from the merit list prepared in pursuance to the aforesaid advertisement of the year 2015, which also includes the names of the writ petitioners and the writ petitions have a fair chance of being appointed in case such an exercise is undertaken especially since the said candidates have been declared successful and not found to have failed.

The learned senior counsel has relied on a judgment reported in 1996 (4) SCC 319 (Prem Singh & ors. vs. Haryana State Electricity Board & ors.), wherein the Hon'ble Supreme Court has held that strictly speaking excess number of candidates, beyond the number of posts advertised, selected and appointed is not justified. It has been further held that appointments made against future vacancies, on posts which were only created are invalid. The next case on which reliance is placed is a case reported in **AIR 1990 SC 405 (P. Mahendran & ors. vs. State of Karnataka & ors.)** wherein the Hon'ble Apex Court has held that every statute or statutory rules is prospective unless it is expressly or by



necessary implication made to have retrospective effect. Further reliance is placed on a judgment reported in **AIR 1987 SC 169 (Ms. Neelima Shangla vs. State of Haryana & ors.)**, to contend that the names of all the qualified candidates has to be sent to the Government by the Public Service Commission and it cannot withhold the names of any qualified candidates. The other case relied upon is a case reported in **(1992) 1 SCC 28 (Ashok vs. State of Karnatak)** wherein the Hon'ble Supreme Court has dealt regarding allotment of marks for interview out of the total marks fixed for evaluation. At this stage itself it would be relevant to state that all aforesaid judgments relied upon by the learned senior counsel for the petitioners do not concern the issues raised for adjudication in the aforesaid batch of writ petitions, hence does not deserve any attention.

Per contra, the learned counsel for the respondents Shri Anjani Kumar Sharan, learned Assistant Solicitor General of India, assisted by Shri Rajesh Kumar Verma, advocate has contended that the PST/PET and Medical Examination conducted was of qualifying nature and the merit list was prepared on the basis of the marks obtained by the candidates in the written examination. The learned counsel for the respondents has also referred to the notice issued by the S.S.C. for the purposes of recruitment of Constables (G.D.) in CAPFs, NIA & SSF and Rifleman (G.D.) in Assam Rifles of the year 2015 in pursuance whereof the entire selection process was conducted. The relevant portion of the said notice, referred to by the learned counsel for the respondents, is reproduced hereinbelow:-

“The salient features of the recruitment are as under:

- i) *The Examination will be advertised by SSC based on vacancies*



intimated by MHA,

- ii) *Application from candidates will be accepted through ON-LINE MODE only except for the State of J&K, North-Eastern States and Left Wing Extremism (LWE) affected districts and Border districts of the country where the candidates will have the choice to apply in on-line or off-line mode. Candidature of candidates applying through both the modes is liable for rejection summarily.*
- iii) *The list containing names of LWE affected districts and border districts provided by MHA are available at Annexure- XIV & XIII.*
- iv) *Physical Standards Test (PST)/Physical Endurance Test (PET) will be scheduled and conducted by the CAPFs. Call letters to candidates will be issued/ uploaded on their website by the coordinating CAPF i.e., CRPF.*
- v) ***The Commission will conduct written examination of candidates qualified in PST/PET in BOTH ON-LINE (Computer based) AND OFF-LINE (Paper mode) MODE.***
- vi) *On-Line Examination will be in English & Hindi only. Off-line Examination will be in English, Hindi and other Regional Languages mentioned in para 8 of this Notice.*
- vii) ***The candidates will have to opt for On-line or Off-line mode of Examination in the application form.*** *Call letters for written examination will be uploaded on the website of the concerned SSC Regional Office. Call letter for candidates applying off-line as per sub para (ii) above will be dispatched by post also.*
- Viii) *The Commission will process and declare the result of written examination and list of candidates shortlisted for Detailed Medical Examination (DME) will be given to MHA/Co-ordinating CAPF i.e. CRPF.*
- ix) *MHA/CRPF will issue call letters and conduct DME and Review Medical Examination (RME).*
- X) *Collection of documents from the candidates and their verification will be done by the CAPFs during DME.*
- XI) *After conduct of RME/DME, the Commission will process and declare the final list of selected candidates state-wise without making Force*
- xii) *Based on such merit list declared by SSC, the MHA/ CRPF will make force allocation, etc. and declare the result.*
- xiii) *Court cases/RTI/Public Grievances relating to Notice of Examination, conduct of written examination and*



preparation of merit list would be handled by SSC and those relating to all other issues like Scheme of Examination, vacancies, conduct of PST/PET, Detailed Medical Examination, Review Medical Examination, Force Allocation of selected candidates, etc. will be handled by the Co-ordinating CAPF-CRPF.

- xiv) Only candidates qualifying in Physical Standards Test and Physical Efficiency Test will be called for the Written Examination (online/offline), scheduled to be held on 04.10.2015 and subsequent days, if necessary. Based on performance in the Written Examination, candidates will be shortlisted for Medical Examination in a ratio as may be decided by the Commission.*

Note III: *As the vacancies have been allotted to the concerned States/UTs, candidates are required to submit domicile certificates of the states indicated by them in the application at the time of medical examination/documents verification failing which his/her candidature will be cancelled forthright and the candidate will not be allowed to undergo medical examination. If a candidate produces domicile certificate issued by a state other than the state mentioned in his application he will be allowed to change the state code at the time of verification of documents.*

4(C) : PROCESS OF CERTIFICATION AND FORMAT OF CERTIFICATES:

Candidates who wish to be considered against vacancies reserved/or seek age- relaxation **must submit requisite certificate** from the competent authority. Otherwise, their claim for SC/ST/OBC/ExS status will not be entertained and their candidature/applications will be considered under **General (UR)** category. The formats of the certificates are annexed. Certificates obtained in any other format will not be accepted. Candidates claiming OBC status may note that the OBC certificate should have been obtained **within three years** before the closing date i.e. 23.02.2015. The Commission has decided to accept OBC certificate, in the prescribed format, issued after the closing date for receipt of application but issued on or before the date of their document verification, as valid proof of belonging to OBC.

Candidates will be considered for recruitment in their respective State/ UT on production of valid "Domicile Certificate" issued by the competent authority so authorized by the concerned State/ UT to prove their domiciliary status at the time of documents verification failing which his/her candidature will be cancelled forthright. If a candidate produces domicile certificate issued by a state other than the state mentioned in his/her application he/she will be considered for the state for which he/she has submitted domicile certificate and will be allowed to change the state code at the time of medical/ verification of documents.



NOTE: The candidates applying for the examination should **ensure that they fulfill all the eligibility conditions** for admission to the examination. Their admission at all the stages of examination will be **purely provisional**, subject to their satisfying the prescribed eligibility conditions. If, on verification, at any time before or after the PST/PET, written examination and medical examination, it is found that they do not fulfill any of the eligibility conditions, **their candidature for the examination will be cancelled by the Commission.**

11.RESOLUTION OF TIE CASES

- (a) The tie is resolved by the Commission by referring to the total marks in the written examination i.e. a candidate having more marks in the written examination gets preference over the candidate(s) with less marks.
- (b) If the tie still persists then the marks in Part A are referred to i.e. a candidate having more marks in Part A is given preference.
- (c) If the tie still persists, the candidate older in age gets preference.
- (d) If the tie still persists, it is finally resolved by referring to the order of names i.e. a candidate whose name begins with the alphabet which comes first in the alphabetical order gets preference.

In the case of non-receipt of call letters for PST/PET and Medical Examination/inability to download the same from the website of the concerned CAPF, candidates should contact the co-ordinating CAPF i.e. CRPF at least one week before PST/PET or Medical Examination. The schedule of PST/PET and Medical Examination will be placed on the website of CRPF www.crpf.nic.in along with the contact details of officers to be contacted in case of non-receipt of ACs for PST/PET and Medical Examination.

Detailed Programme of PST/PET and Medical Examination will be available on the website of the co-ordinating CAPF, i.e., CRPF along with Roll Number block of candidates for each day, at least two weeks before PST/PET or Medical Examination. Similarly, details of centres / sub-centres will also be available on the website www.crpf.nic.in at least two weeks before the written examination.

14. COMMISSION'S DECISION FINAL

The decision of the Commission in all matters relating to eligibility, acceptance or rejection of the applications, penalty for false information, mode of selection, conduct of examination(s) allotment of examination centres and preparation of merit list will be final and binding on the candidates and no enquiry/correspondence will be entertained in this regard.

17. IMPORTANT INSTRUCTIONS TO CANDIDATES

- 2. in view of the anticipated large number of applicants, scrutiny of the



eligibility and other aspects will not be undertaken before the PST/PET and Written Examination and, therefore, the **candidature will be accepted only provisionally. Candidates are advised to go through the requirements of educational qualification, age, physical standards, etc. and satisfy themselves that they are eligible for the posts**, before applying. Copies of supporting documents will be sought only from those candidates who qualify for the medical examination. When scrutiny of document is undertaken after the written examination, if any claim made in the application is not found substantiated, the candidature will be cancelled and the **Commission's decision in this regard shall be final**.

4. Candidates seeking reservation benefits as SC/ST/OBC/ ExS must ensure that they are entitled to such reservation as per eligibility prescribed in the Notice. They should also be in possession of the certificates in the format prescribed by Government of India in support of their claim when the copies of the certificates will be sought after the written examination. OBC candidates should ensure that they are in possession of OBC certificate in the prescribed format issued by the competent authority within the due date prescribed in this Notice.

11. The admit cards for PST/PET will be issued/ uploaded on their website by the CRPF, Whereas the admit card for written examination will be issued/ uploaded on the website of the Regional Offices of SSC. Online applicants will download their admit cards for PET/ PST online only from CRPF website www.crpf.nic.in. Admit cards of only OFFLINE applicants will be sent through post, however they may also download the same from above mentioned website.

The learned counsel for the respondents has submitted that as far as the first issue of change of cut off marks is concerned, the same has been answered in paragraph no. 8 of the supplementary counter affidavit filed on behalf of the respondent no. 2, which is reproduced hereinbelow:-

“8. That in reply to paragraph no. 6 of Rejoinder Affidavit, it is submitted that the contents of paragraph no. 9 of Short Court Affidavit are true and are reiterated. The Respondents have processed the result of the candidates as per the provisions laid down in the Notice of the Examination.

It was very clearly mentioned in para 8(III) (ii) that “The Commission shall have the discretion to fix different qualifying



standards for candidates belonging to different categories in different States/UTs, taking into consideration vacancies allotted to each State/UT”.

*The petitioners have no right to claim that the Respondent may declare their result as per their wish. It is further submitted that Staff Selection Commission is a recruiting agency conduct examination for Group ‘B’ (Non-Gazetted) & Group ‘C’ posts in different Ministries/Departments. **It is further submitted that cutoff marks in Final result for a particular State has been fixed on the basis of vacancies intimated by the user department for that State and number of candidates available.***

It is further submitted that in similar matter relying upon the decision of Hon’ble Supreme Court in the case of Sankarshan Dash vs. Union of India, reported in AIR 1991 SC 1612 that the number of vacancies to be filled up by the respondent is a matter of discretion lying with them. But a candidate merely because he has been empanelled has no right to ask the employer to fill up all or any of the vacancies, the Hon’ble High Court, Kolkata dismissed the W.P. 5722(W) of 2017 vide order dated 16.05.2017 and was pleased to observe that ‘The petitioner has no right to compel the respondents either to fill up the post or to give any appointment letter to her merely she has been empanelled.’

It is further contended that according to the notice of the examination, since the vacancies have been allotted to the concerned States/UTs, candidates were required to submit domicile certificates of the State in which they had opted for being considered, thus the vacancies were allotted state-wise and the marks of the last selected candidate (cut-off) was different for different States.

The learned counsel for the respondents has also contended that the cut-off has been fixed by the S.S.C. for the various States, however,



what is relevant to be considered is the marks of the last selected candidate, state-wise. The details of the marks of last selected candidate of the State of Bihar for various categories have been mentioned in the counter affidavit filed by the respondents and it is submitted that none of the writ petitioners have found place in the list of selected candidates on account of their low merit in their respective categories since marks obtained by them were less than the marks obtained by the last selected candidates of their respective categories. It is submitted that in the supplementary counter affidavit a comparative chart showing the reason of non-selection of the writ petitioners would show that almost all the writ petitioners barring a few (the cases whereof have been rejected on account of various other reasons as also the said candidate not qualifying according to the criteria), have not been selected on account of having less marks than the cut off marks/the marks obtained by the last selected candidates in the respective categories. In this regard, the Ld. Counsel refers to Paragraph No. 13 of the Counter Affidavit filed on behalf of the respondent No. 2 which reads as follows:-

“13. That as per the mark obtained by Petitioner No. 1 to 4, 6, 7, 9 to 16, 18, 20, 26, 28, 29, 32 to 43, 45, 47, 48, 50 to 61, 63, 64, 66, 67, 69, 70, 73 to 76, 78 to 84, 86, 91 to 96, 98 to 104 were failed to find place in the list of selected candidates due to their low merit in their respective category as marks obtained by them were less than the marks obtained by the last selected candidate of their respective category.”

As far as the second aspect of the matter is concerned i.e. regarding adjusting the writ petitioners against the mismatch categories, it is submitted that it is a well-settled law that merely because a candidate



has been empanelled, the candidate has no right to ask the employer to fill up all or any of the vacancies. It has been contended, relying upon the judgment reported in *AIR 1991 SC 1612* (Sankarshan -vs. Union of India) that the number of vacancies to be filled up by the respondents is a matter of discretion lying with them and the candidates cannot force them to toe their lines. The learned counsel for the respondents has also relied on some judgments passed by this Court as well as has annexed some judgments of this Court along with the counter affidavit/supplementary counter affidavit. The first line of cases is regarding the maintainability of the writ petitions on the ground of jurisdiction, however, the said judgments are not being referred to inasmuch as the issue of jurisdiction has not been argued. The next judgment relied upon by the respondents is a judgment passed by the learned Division Bench of the Hon'ble Calcutta High Court in W.P. No. 5722(W) of 2017 (Pooja Bose vs. Union of India & ors.) to contend that an empanelment in a select list does not give any right to those empanelled candidates to be appointed when no post exists or when there is a policy decision of the Government not to fill up a post as well as to contend that the Hon'ble Supreme Court has held that there is no right to appointment merely because a vacancy exists. Lastly, reliance has been placed on judgment dated 19.12.2017 passed in CWJC No. 5698 of 2017, a case arising out of the same examination of the year 2015 and it has been submitted that this Hon'ble Court has held that since the action complained by the said writ petitioners is a case of grant of opportunity to the applicants for rectification of error in the application forms and not a case of irregularity as projected by the petitioners and not a case of



backdoor appointments as well as the said writ petitioners having not secured their position on merit in the respective categories of OBC and SC, the writ petitioners could not indulged in adventurous litigation, as such the writ petitions were dismissed. At this juncture itself it may be stated that the said Judgment dated 19.12.2017, passed by this Hon'ble Court was dealing with a case of change of caste category midway and backdoor appointments but has not adjudicated the *lis* involved in the present case, hence is distinguishable in the facts and circumstances of the present case.

I have heard the learned counsel for the respective parties as well as considered the materials on record. Firstly, I find from the records that the reasons which have been furnished by the respondents for showing that the petitioners have not been selected finally for the post of Constables, the main reason being the writ petitioners having less marks than the last selected candidates in the respective categories, has not been disputed by the writ petitioners, as such to the said extent, no fault can be found with the selection process conducted by the respondents. Secondly, the issue of change of the categories etc. as has been stated hereinabove and is also apparent from the response filed by the respondents in various writ petitions, do not smack of any arbitrariness or malpractices and that is why it appears that the learned counsel for the writ petitioners has ultimately abandoned the said ground for assailing the selection process. Thirdly, the issue of fixing of cut-off marks has also been adequately explained by the respondents and the fact is that no person having lesser marks than the writ petitioners has been appointed or to put it differently



the writ petitioners have obtained lesser marks than the marks obtained by the last selected candidate of the respective categories.

Thus the only point, now left, for consideration is as to whether the writ petitioners would be entitled to be considered against the mismatch vacancies as well as against the left over vacancies which have not been filled up. In this regard, it would be appropriate to refer to a Judgment rendered by the Hon'ble Supreme Court in the case of **Asha Kaul & ors. vs. State of Jammu & Kashmir & ors.** reported in (1993) 2 SCC 573, paragraph no. 8 whereof is reproduced hereinbelow:-

“8. It is true that mere inclusion in the select list does not confer upon the candidates included therein an indefeasible right to appointment (State of Haryana v. Subhash Chander Marwaha¹; Mani Subrat Jain v. State of Haryana²; State of Kerala v. A. Lakshmikutty³) but that is only one aspect of the matter. The other aspect is the obligation of the Government to act fairly. The whole exercise cannot be reduced to a farce. Having sent a requisition/request to the Commission to select a particular number of candidates for a particular category, — in pursuance of which the Commission issues a notification, holds a written test, conducts interviews, prepares a select list and then communicates to the ⁵⁶¹ Government — the Government cannot quietly and without good and valid reasons nullify the whole exercise and tell the candidates when they complain that they have no legal right to appointment. We do not think that any Government can adopt such a stand with any justification today. This aspect has been dealt with by a Constitution Bench of this Court in Shankarsan Dash v. Union of India⁴ where the earlier decisions of this Court are also noted. The following observations of the Court are apposite: (SCC pp. 50-51, para 7)

“It is not correct to say that if a number of vacancies are notified



for appointment and adequate number of candidates are found fit, the successful candidates acquire an indefeasible right to be appointed which cannot be legitimately denied. Ordinarily the notification merely amounts to an invitation to qualified candidates to apply for recruitment and on their selection they do not acquire any right to the post. Unless the relevant recruitment rules so indicate, the State is under no legal duty to fill up all or any of the vacancies. However, it does not mean that the State has the licence of acting in an arbitrary manner. The decision not to fill up the vacancies has to be taken bona fide for appropriate reasons. And if the vacancies or any of them are filled up, the State is bound to respect the comparative merit of the candidates, as reflected at the recruitment test, and no discrimination can be permitted. This correct position has been consistently followed by this Court, and we do not find any discordant note in the decisions in State of Haryana v. Subhash Chander Marwaha¹, Neelima Shangla v. State of Haryana⁵ or Jatendra Kumar v. State of Punjab.”

In the present case no reasons have been assigned by the respondents for non-filling the vacant posts of Constable and the only reason for non-filling the vacant post is, no person lower in merit has been appointed. It must be authoritatively held that the said ground is not a plausible reason for not filling up the advertised post which have undisputedly been calculated after a proper exercise. I am of the opinion that the reason for denial of appointment to the writ petitioners i.e. “no candidate with lower merit than the petitioner has been appointed”, would have been a good argument in case all the advertised posts were filled up and then the writ petitioners would have had no right to be considered for appointment. It is not the case of the respondents that the writ petitioners have failed the examination/test/selection process inasmuch as they have



qualified on each and every step, however, since they have lesser marks than the marks obtained by the last selected candidate, they have not been appointed.

Though it is a settled legal position that mere selection does not give a candidate an indefeasible right to appointment but that principle does not hold good in cases where the posts advertised have remained vacant. It is equally a settled law that a State cannot deny appointment to a person duly selected without a justifiable cause. Thus following the principle laid down by the Hon'ble Apex Court in the case of **Asha Kaul** (supra) as well as in the case of **Shankarsan** (supra), which are good Law till date, I am of the view that the respondents cannot quietly and without good and valid reasons nullify the whole exercise and tell the candidates, when they complain, that they have no legal right to appointment for the reason that firstly the State does not have the license to act in an arbitrary manner and secondly since the respondents, in the present case, have failed to show any bona fide or appropriate reasons for not filling up the left over vacancies. Another aspect of the matter is that when such huge resources, especially the tax payers money, are spent by the authorities/the Staff Selection Commission, for recruiting personnel's, the entire exercise is required to be taken to a logical conclusion and the same cannot be short circuited by not filling up all the vacancies advertised and that too without any plausible or appropriate reasons.

For the reasons mentioned hereinabove, I direct the respondents to consider the claim of the writ petitioners for appointment on the post of constable against the mismatch/left over vacancies within a period of 30



days from today, without resorting to the principle that since the writ petitioners have secured lower marks than the marks obtained by the last selected candidates, they cannot be appointed. It is needless to state that the respondents would not compromise on merits and the minimum standards so prescribed by them. It is further held that the decision taken by the Apex Body of the Central Staff Selection Commission /Staff Selection Commission shall be final and would not be amenable to challenge in writ proceedings under Article 226/227 of the Constitution of India.

The writ petitions are allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	AFR
CAV DATE	08.02.2018
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Transmission Date	

