

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15072 of 2013

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KUMARI ANITA SINGH @ ANITA KUMARI W/O ANOJ KUMAR AND
D/O RABINDRA KUMAR @ RABINDRA PRASAD RESIDENT OF
VILLAGE- GARGA BIGHA, P.O- AND POLICE STATION- TELHARA IN
THE DISTRICT OF NALANDA.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Secretary, Department Of Home, Government Of Bihar, Patna.
2. The Director General Of Police, Bihar, Patna.
3. The Additional Director General Of Police, General Selection Board (Constable Recruitment), Bihar, Patna.
4. The Central Selection Board (Constable Recruitment) Computer Bhawan Jawahar Lal Nehru Marg, Patna.
5. The Chairman Central Selection Board (Constable Recruitment), Bihar, Patna.
6. The Secretary Central Selection Board (Constable Recruitment), Bihar, Patna.
7. The Officer On Special Duty Office Of Central Selection Board (Central Recruitment), Jawahar Lal Nehru Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vibhuti Ranjan Sonvadra, Adv
For the State	:	Mr. Mrityunjay Kumar AC to GP-3
For the C.S.B	:	Mr. Sanjay Pandey, Adv, Mr. Binod Kumar Mishra, Adv & Mr. Vivekanand Amritesh, Adv

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 24-01-2018

Heard learned counsel for the petitioner and learned counsel for the respondents.

This writ petition under Article 226 of the Constitution of India has been filed by the petitioner for issuance of a direction to the respondent authorities to appoint her on the post of constable in Bihar Police Force-2012, as she has qualified in the written test and physical test but her name in final merit list has not been included. At the time of filing of writ petition,



petitioner was not aware about the reasons for her non selection but by way of supplementary affidavit, it has been stated that the petitioner had received information by her application under RTI that she has been disqualified for non submission of date of birth certificate and she has contended that at the time of verification of documents she had submitted date of birth certificate but still she has not been appointed.

During hearing of the matter, it was informed by the learned counsel appearing on behalf of the Central Selection Board, Patna, Bihar, that even if the writ petition is allowed petitioner cannot be appointed on the post of constable as the cut off marks was 135 whereas the petitioner has obtained 126 marks only. Learned counsel for the Central Selection Board was directed to state on affidavit, the said submissions vide order dated 04.01.2018.

A supplementary counter affidavit has been filed on behalf of the Central Selection Board in which it has been stated that the petitioner had qualified the written test and she was directed to appear in physical evaluation test on 24.06.2013 and she appeared in the evaluation test, and it was found that she has not submitted her date of birth certificate rather she has submitted her S.L.C certificate, which was not a valid document



regarding her date of birth and she was directed to produce the original matriculation certificate within three days but the same could not be produced by her. However, the same was disputed by the petitioner. It has further been stated in the supplementary affidavit that the merit list is prepared on the basis of marks of written test and physical test is only of qualifying nature. The petitioner has secured 126 marks and the cut off marks in her category is 135 and selection process pursuant to the said advertisement is over. Board has also published another advertisement being Advertisement No. 01 of 2014 for the appointment of constables of which selection process has been completed and appointments have also been made and recently Advertisement No. 01 of 2017 with respect to appointment of constables are being conducted by the board.

On the basis of the statement made in the supplementary affidavit, it is apparent that even if the writ petition is allowed the petitioner could not be appointed on the post of constable as she is low in the merit list and has secured 127 marks whereas cut off marks in her category is 135.

In view of such statement being made by Central Selection Board, Patna, Bihar, no purpose would be served by



continuing this writ petition as no relief can be granted to the petitioner, as such the writ petition is dismissed.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02.02.2018
Transmission Date	N.A.

