

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15693 of 2011

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1. SHIVKANT PASWAN S/O SRI RAM PASWAN C/O K.N. PASWAN, R/O GANGA BRIDGE COLONY, QR. NO. 97 (A), GARHARA, P.S.-BARAUNI, DISTRICT - BEGUSARAI (ROLL NO. 95090546)
2. CHANCHAL KUMARI W/O UMESH KUMAR SINGH R/O VILLAGE FINGI, P.S.- BIHIYA, DISTRICT - BHOJPUR (ROLL NO. 66300382)
... .. Petitioners

Versus

1. THE STATE OF BIHAR THROUGH THE DIRECTOR GENERAL OF POLICE, STATE OF BIHAR, PATNA
2. THE PRINCIPAL SECRETARY DEPARTMENT HOME (POLICE), GOVERNMENT OF BIHAR, PATNA
3. THE PRINCIPAL SECRETARY GENERAL ADMINISTRATIVE DEPARTMENT (PERSONNEL ADMINISTRATIVE REFORMS DEPARTMENT), GOVERNMENT OF BIHAR, PATNA
4. THE CENTRAL SELECTION BOARD OF CONSTABLE, BIHAR, PATNA THROUGH ITS SECRETARY
5. THE CHAIRMAN OF CENTRAL SELECTION BOARD OF CONSTABLE, BIHAR, PATNA
... .. Respondents

Appearance :

For the Petitioners	:	Mr. Surj Bansh Roy, Advocate
For the CSBC	:	Mr. Sanjay Pandey, Advocate Mr. Vivek Anand Amritesh, Advocate and Mr. Binod Kumar Mishra, Advocate
For the State	:	Mr. Sanjay Prasad, AC to AAG 4

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 20-11-2018

Heard learned counsel for the petitioners as well as learned counsel for the respondents.

The writ petition has been filed for setting aside result of second phase of selection under Advertisement no. 2 of 2009 for selection of police constable of various categories. General apprehension has been raised in the writ petition that some candidates from general category appear to have been adjusted against reserved seats and also some candidates who have not been found eligible in the physical test have been finally selected.



A detailed counter affidavit has been filed by the respondent Central Selection Board of Constable, Bihar. Specific stand of the Board in paragraph 17 of the counter affidavit is as follows:-

“17. That it is stated that the instant writ petition has been filed by the petitioners who could not be selected due to the criteria laid down by the Hon’ble Court for processing the result. The petitioner no.1 namely Shiv Kant Paswan (Roll No. 95090546) belongs to the Scheduled Caste Male Non Home Guard (SC-M-NHG) category candidate has secured 74 marks and the cut off marks in his category is 74 marks but the last candidate being senior in age has been selected. The petitioner no.2 namely Chanchal Kumari (Roll No. 66300382) belongs to the Backward Class Female Non Home Guard (BC-F-NHG) category candidate has secured 37 marks and the cut off marks in her category is 37 marks but the last candidate being senior in age has been selected.”

Petitioners’ date of birth along with that of the selected candidates is mentioned in Annexure E to the counter affidavit. Date of birth of petitioner no.1 Shiv Kant Paswan is 25.02.1988, whereas that of the last selected candidate under his category, i.e., the SC-M-NHG (Scheduled Caste Male Non Home Guard) is 06.04.1985.

With respect to petitioner no.2 Chanchal Kumari also, details of her date of birth has been given as 21.02.1986 though the date of birth of the last selected candidate under the BC-F-NHG (Backward Caste Female Non Home Guard) is 12.01.1985.



Both the candidates selected for the said categories are therefore better in terms of their cut off marks which was to be considered along with seniority of age. No one below/junior to the petitioners has been selected as per the submission made in the counter affidavit. Learned counsel for the petitioners submits that identity of selected candidates has not been disclosed. Such submission is baseless as the select list contains the details of all the candidates. Such submission of the counsel for the petitioners, is thus misconceived. No one below the petitioners has been selected and no re-joinder to the counter affidavit has been filed on behalf of the petitioners to dispute or deny such averments made by the State respondents in the counter affidavit.

In view of the above, there is no occasion for this Court to exercise the jurisdiction in favour of the petitioners. The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

Shashi

AFR/NAFR	
CAV DATE	NA
Uploading Date	24.11.2018
Transmission Date	NA

