

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7186 of 2016

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Shyamjeet Pandey, Son of Shri Kant Pandey, Resident of village + P.O.-
Rushtampur, P.S. + Prakhand- Hulasganj, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Gaya.
4. The Superintendent of Police, Patna.
5. The Commandant, B.M.P. - 14, Patna
6. The Commandant B.M.P. - 2, Dehri-on-Sone.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Adv.

For the Respondent/s : Mr. Arun Kumar Sinha, AC to GP-24
Mr. Manoj Kumar Singh, AC to GP-24

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 13-08-2018

Heard the parties.

It is seeking a writ of mandamus commanding the respondent nos.3 to 6 to consider the case of the petitioner for appointment as Constable pursuant to the selection process initiated through Advertisement nos.01 of 2004 and 02 of 2004 that this writ petition was filed.

It is since the petitioner does not know the outcome of the selection process that he has approached this Court albeit after a delay of almost 12 years.

Be that as it may, it is taking note of the grievance so raised that this Court directed the respondent nos.3 to 6 to file their affidavit explaining the reasons as to the non-selection of the petitioner and in my opinion the affidavit of the Assistant Inspector General (Welfare)



filed by way of supplementary counter affidavit on 26.07.2018 answers the reason for non-selection of the petitioner as a Constable either in the District Police Force at Patna or the District Police Force at Gaya or the Bihar Military Police -2 at Dehri-On-Sone or the Bihar Military Police No.14 at Patna. Paragraph 7 onwards of the supplementary counter affidavit of the Assistant Inspector General (Welfare) explicitly gives the reasons for non-selection of the petitioner who comes from a general category. It is explained that petitioner has not been appointed because he obtained lesser marks than the last person selected.

Mr. Rama Kant Singh, learned counsel appearing for the petitioner submits that there is no explanation in relation to B.M.P.-2, Dehri-On-Sone. In my opinion, the letter of the Commandant B.M.P.-2, Dehri-On-Sone at Annexure-‘F’ to the supplementary counter affidavit mentions that the name of the petitioner did not figure in the list of selected candidate which amply explains that the petitioner did not gather enough marks to make it to the merit list.

In the circumstances noted, no case of indulgence is made out. The writ petitioner is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/Anjula

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20-08-2018
Transmission Date	NA

