

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8730 of 2018

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Sanjay Kumar, S/o- Bharat Mahto, resident of Village- Nempuri Ke Tola, P.O.-
Khaira, P.S.- Khaira, District- Saran.

.... Petitioner

Versus

1. The State of Bihar, through Home Secretary, Patna, Old Secretariat, Patna-800001
2. The Chairman, Kendriya Chayan Parishad, Sipahi Bharti, Bihar Patna, Sai Tara Complex, IAS Colony, Jawaharlal Nehru Marg, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Basant Kumar Singh
For the Respondent/s : Mr. Partha Sarthi -GA4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 11-05-2018

1. The petitioner herein, by way of the present writ petition, has prayed for issuing directions to the respondents to conduct fresh physical test of the petitioner.

2. The short facts of the case are that the petitioner had applied for the post of Police Constable in Bihar Police in pursuance to the advertisement no. 08 of 2017 and the physical examination was to be conducted on 19.02.2018. It is the further case of the petitioner that the petitioner could not appear in the physical test on 19.02.2018 since he sustained grievous burn injury in his leg. It is thus the submission of the learned counsel for the petitioner that the petitioner be given a chance to appear in the physical examination since he was



precluded from appearing in the physical examination on account of unforeseen circumstances.

3. *Per contra*, the learned counsel for the respondents has submitted that it is now too late in the day to permit the petitioner to appear in the physical examination specially since the petitioner had not appeared in the physical examination, not on account of any laches or obstacles attributable to the respondents.

4. I have heard the learned counsel for the parties and perused the materials on record. It is apparent from the materials on record that the petitioner was issued admit card directing him to appear in the physical eligibility test on 19.02.2018, however the petitioner did not appear in the said physical eligibility test. The present writ petition has been filed on 03.05.2018, belatedly, inasmuch as according to the learned counsel appearing for the respondents, the entire process has already been completed on 28.03.2018, hence no relief can be granted to the petitioner herein.

5. Another aspect of the matter is that a particular date was fixed for physical eligibility test and several candidates had appeared in the said test, whereafter the further steps were required to be taken in the matter of recruitment, which have already been undertaken and since the petitioner failed to appear in the said test, for whatever reason, he has unfortunately miss the chance, hence no special test can



be conducted for the petitioner alone specially since the same would open a Pandora box and the process of recruitment would never attain finality which is one of the essentials of any recruitment process.

6. It is further apparent from the records that the petitioner has, at his convenience, filed the present writ petition, after having recovered from his ailment and is now seeking direction to the respondents to constitute a special interview board for conducting his physical eligibility test which is clearly not permissible under the law.

7. For the reasons mentioned hereinabove, I find that there is no merit in the writ petition and the same is accordingly, dismissed.

(Mohit Kumar Shah, J)

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