

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2833 of 2016

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Rajdeo Ram, Son of late Raghuram, Resident of Village- Pokharia, Police Station -Adapur District Motihari (East Champaran).

.... Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Old Secretariat, Patna.
2. The Director General of Police, Old Secretariat, Patna.
3. The Assistant Inspector General of Police, (Welfare), Old Secretariat, Patna.
4. The Assistant Inspector General of Police, (Q), Old Secretariat, Patna.
5. The Assistant Inspector General of Police, (Home), Old Secretariat, Patna.
6. The Superintendent of Police, Bettiah (West Champaran).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Adv.

For the Respondent/s : Mr. Sheo Shankar Prasad, SC-10

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 10-01-2018

Heard Mr. Vibhuti Ranjan Sonvadra, learned counsel appearing for the petitioner and Mr. Sheo Shankar Prasad, learned Standing Counsel No.10 for the State.

The petitioner is aggrieved by the final selection list prepared by the respondents for the 28th Sessions of the Pre-requisite Course of Armour Constables (hereinafter referred to as ‘the Course’).

The statements in the counter affidavit would confirm that the selection of constables for ‘the Course’ is an in-house selection by way of nomination and is neither in the nature of promotion nor recruitment. It is on the basis of the nomination that applications filed are recommended for consideration for ‘the Course’ and whereafter the candidates so selected have to go through the written test and interview after which the



final list is published. The problem for the petitioner is that although he submitted his application in tune with the request made by the Inspector General of Police, Bihar, Patna to all the Senior Superintendent of Police as contained in letter bearing No.1657 dated 18.4.2012 at Annexure 'A' to the counter affidavit which puts a cut-off date of 27.4.2012 but the delayed action by the Superintendent of Police, West Champaran at Bettiah in forwarding the application of the petitioner on 31.10.2012 has denied him opportunity of participating in the selection process.

It is undisputed that by virtue of this delayed submission the petitioner has neither participated in the written test nor in the oral interview. The final list is prepared vide order bearing Memo No.1397 dated 29.4.2015 at Annexure 'I' and obviously did not contain the name of this petitioner which has led to filing of this writ petition.

Although in my opinion Annexure 'A' which was a requisition made by the Office of the Inspector General of Police, Bihar, Patna dated 18.4.2012 merely required the applicants to submit their application by 27.4.2012 and the petitioner claims to have submitted his application before the Superintendent of Police, West Champaran at Bettiah before the cut-off date but the delayed action by the Superintendent of Police, West Champaran at Bettiah to forward the application of the petitioner after a delay of six months on 31.10.2012 has acted prejudicial to the case of the petitioner for consideration of his case. Unfortunately the entire exercise is completed and the written test as well as the oral interview having been held, 'the Course' has taken its shape vide Annexure 'I' to



the counter affidavit which is the select list dated 29.4.2015. Even though the petitioner has been prejudiced by the delayed action of the Superintendent of Police, West Champaran at Bettiah in recommending his name but a lapse of 3 years since the exercise was completed does not persuade this Court to grant indulgence to the prayer made.

It would also not be out of place to mention that somewhere the petitioner has also taken a delayed action because in case he was not called for written test or was aggrieved by non-consideration of his application dated 14.8.2015, he should have immediately rushed for judicial remedy soon thereafter but he has chosen to move almost a year later after the preparation of the merit list.

The writ petition is disposed of.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22-01-2018
Transmission Date	NA

