

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16445 of 2014

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Manish Kumar Son of Janardan Sah resident of Village - Fakuli, Police Station - Chapra (Mufassil), District - Saran at Chapra.

... .. Petitioner/s

Versus

1. The Union of India through Ministry of Personnel Public Grievance & Pension, New Delhi.
2. The Deputy Director (Central Region), Staff Selection Commission, 8 A-B Bailey Road, Allahabad (Uttar Pradesh).
3. The Regional Director, (Central Region), Staff Selection Commission, 8 A-B, Bailey Road, Allahabad (Uttar Pradesh).
4. The Staff Selection Commission, 8 A-B, Bailey Road, Allahabad (Uttar Pradesh)

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash, Advocate
For the Respondent/s : Mr. Rajesh Kumar Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 06-12-2018

Heard learned counsel for the petitioner and learned counsel for Staff Selection Commission, Allahabad.

This matter relates to recruitment of Constable (GD) in the Central Para Military Force.

The grievance has been raised by the petitioner that he has wrongly been deprived of being selected on the aforesaid post.

An advertisement was published on 05.02.2011 inviting the application from the desired candidate for the post of Constable (G.D.) in B.S.F., C.I.S.F., C.R.P. and SSB. The petitioner and others have participated in selection process. The



petitioner has secured 33 marks and his date of birth is 11.04.1998. As per the advertisement, the candidate must be within age of 18 to 23 years as on 01.08.2011, he was within the age as prescribed in the advertisement. The petitioner has not produced the caste certificate in terms of criteria prescribed in the advertisement and, as such, his candidature was treated as unreserved category candidate. In the general category candidate, last person, who has been selected, has secured 35 marks and, admittedly, the petitioner has secured 33 marks and on that account, the name of the petitioner could not be recommended for selection.

Learned counsel for the petitioner submits that the caste certificate was produced as per the advertisement and, as such, his candidature should have been considered under the backward category and he has wrongly been deprived of his right of consideration in the category of backward class.

In this case, there are some admitted facts, which has not been disputed by learned counsel for the petitioner that the caste certificate which he has attached or furnished was not in terms of the advertisement and the candidature of the petitioner has considered as unreserved category and there is last person who has been secured 35 marks, whereas, the present petitioner has secured 33 marks, in such circumstances, the exercise that has



been done by the Commission and the candidature of the petitioner was not found for recommendation cannot be held to be illegal.

In such view of the matter, this Court does not find any merit in the present petition and, accordingly, this writ petition is dismissed.

(Shivaji Pandey, J)

V.K.Pandey/
Sunny

AFR/NAFR	NAFR
CAV DATE	NA
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