

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12869 of 2015

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1. Raj Kishore Sharma son of Kapil Ministry Resident of Village- Budha Nagar, Badai tola, Police Station Islampur, district Nalanda.
 2. Md. Mumtaj Aalam son of md. Ali Resident of Village- Budha Nagar, Badai tola, Police Station Islampur, district Nalanda **Petitioners**

Versus

1. The State of Bihar through its Chief Secretary.
 2. The Principal Secretary, Department of Home ,Bihar, Patna.
 3. The Inspector General ,Jail & Reformative Services Inspectorate, Bihar, Patna.
 4. The Secretary, The Bihar State Staff Selection Commission, P.O. Veterinary College, Patna.
 5. The Chairman , Bihar State Staff Selection Commission, P.O. Veterinary College, Patna.
 6. The Secretary, Bihar State Staff Selection Commission, P.O. Veterinary College, Patna **Respondents**
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Appearance :

For the Petitioners : Mr. Bindhyachal Singh, Advocate and
Mr. Satya Prakash, Advocate

For the State : Mr. Sushil Kumar Mallick, AC to SC 4

For the Commission : Mr. S.S. Sundram, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 27-08-2018

Heard learned counsel for the petitioners, the State and the Commission.

Having participated in the limited selection process for appointment as Jail Warden in the 25% quota, the petitioners on being not selected, have approached this Court by filing this writ petition. They have claimed that they were entitled for appointment and by not issuing appointment letter in their favour they have been discriminated against, even though they were possessing all the requisite qualifications.

Relying upon the Division bench judgment in case of **Anil Kumar Pathak and others Vs. the State of Bihar and others**, passed on **25.4.2014** in LPA No. 489 of 2014, learned



counsel for the Commission has rightly pointed out that since the process of selection requires the candidate to have been trained as Home guard within the State of Bihar and since admittedly petitioners were trained as Home guard in the State of Jharkhand, they were ineligible for consideration in terms of the advertisement. Specific reliance has been placed on paragraphs 13 and 14 of order passed by the Division Bench which is re-produced herein below:-

“13. What logically follows from the above discussion is that under 25 per cent quota, one ought to have been trained, as a Home Guard, in the State of Bihar, in order to become eligible for appointment to the post of Jail Warden in terms of the Advertisement, dated 09.01.2013, aforementioned.

14. Thus, we are in agreement with the views of the learned single Judge that Clause 4(ii) of the Resolution, in question, conveys that only those Home Guards, who had been trained in the State of Bihar, were required to be considered under 25 per cent quota for filling up the posts of Jail Warden in the State of Bihar.”

Such assertion of the Commission has not been denied or disputed by filing any re-joinder. Admittedly, the petitioners were not qualified for selection in question. Therefore, they have no enforceable claim and the writ petition is dismissed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
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