

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7328 of 2018

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Lovely Kumari, Daughter of Manoj Singh, Resident of Mohalla-
Hanumangadhi, P.S.- Muffasil, District- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Inspector General, Prison and Correctional Services, Bihar, Patna.
4. The Chairman, Central Selection Board of Constable, Government of Bihar,
Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Nilesh Kumar, Advocate Mr. Malay Kumar Choudhary, Advocate Mr. Arya Achint, Advocate Mr. Udhav, Advocate
For the State	:	Mr. Manish Kumar-GP-4
For the Central Selection Board:		Mr. Sanjay Pandey, Advocate Mr. Vivek Anand Amritesh, Advocate Mr. Binod Kumar Mishra, Advocate

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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 the State.

2. In this case, the petitioner has raised a grievance
that her candidature has wrongly been rejected for the
recruitment to the post of Lady Jail Warden.

3. An advertisement no. 03 of 2015 was published by
the Home Department, Bihar, inviting applications from desired



candidates to fill up 2649 vacant posts of Jail Warden under Bihar Warden Cadre Rule, 2014 and the last date of receiving the application was 24.09.2015. The petitioner has also filled up online application, but he has entered incorrect date of birth in her online application as her actual date of birth is 01.02.1995 but she has wrongly mentioned her date of birth as 02.01.1995. The petitioner has successfully crossed all hurdles of selection process, but having been rejected on the ground of wrong entry of date of birth in the online application.

4. Learned counsel for the petitioner submits that though there is no dispute that wrong date of birth has been entered in the online application, but during counselling and physical evaluation test, the petitioner was allowed to make correction in her date of birth and placed reliance on the entry made in Annexure-D where the date of birth of the petitioner has been mentioned as 02.01.1995 but his actual date of birth is 01.02.1995 and these entries in Annexure-D showing the correction of date of birth.

5. Learned counsel for the Central Selection Board has disputed the statement of the petitioner that she was allowed to make necessary correction but the fact is that when authorities of the Board were preparing the final result, at that



time verification of testimonial of the petitioner was done and incorrect date of birth was found in her application, and accordingly, that statement has been recorded in Annexure-D. He further submits that in Annexure-D there are two columns; (i) Submitted and (ii) Qualified and that record indicative of the fact that she has submitted the documents in support of her date of birth but in the column of 'Qualified' it has been mentioned 'No' and at the bottom it has been recorded as 'FAIL', so she cannot take advantage of the entries made by the Board and this has been done while preparing the chart of the selected candidates. It has further been submitted that the final result has already been published on 21.02.2017 and all the posts of Jail Warden with respect to unreserved category have been filled up, no post is vacant for further appointment in the unreserved category candidate.

6. In support of the submission, learned counsel for the Central Selection Board has placed reliance on the decision rendered in the case of *Kumari Nutan vs. The State of Bihar and Ors.* reported in *2015(4) P.L.J.R. 675* and the order passed by the learned Single Judge, has been affirmed in Letters Patent Appeal No.2089 of 2015.

7. Now, the situation is completely different even if



this Court allows the candidature of the petitioner, she would occupy one place in the select list, the last person in unreserved category is to be pushed down, is not before this Court. When all the posts have been filled up, it will not be desirable and possible for this Court that a candidate who has furnished wrong date of birth be accommodated replacing another selected candidate.

8. In such view of the matter, this court does not find any merit in this writ petition, accordingly, the same is dismissed.

(Shivaji Pandey, J.)

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AFR/NAFR	N.A.F.R.
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