

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8332 of 2018

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Bineet Singh, Son of Ram Kewal Singh, resident of Village- Bakhariya, P.O.- Belghat Balua, Police Station- Ara Muffasil, District- Bhojpur (Bihar).

.... Petitioner

Versus

1. The State of Bihar through the Chairman, Central Selection Board, Bihar, Patna.
 2. The Secretary, Central Selection Board (Constable Recruitment), Bihar, Patna.
 3. The Public Information Officer, Central Selection Board (Constable Recruitment), Bihar, Patna.
 4. The Inspector General of Police Bihar, Patna. Respondents
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Appearance :

For the Petitioner/s : Mr. Abhishek
For the Respondent/s : Mr. Manish Kumar- GP4
For CSBC : Mr. Sanjay pandey & Vivek Pandey

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 11-05-2018

1. The petitioner, by way of the present writ petition, has prayed for setting aside the order dated 09.04.2018 passed by the Chairman, Central Selection Board (Constable Recruitment) Bihar, Patna by which the candidature of the petitioner on the post of Fireman has been rejected. It has been further prayed for directing the respondent authorities to select the petitioner on the post of Fireman (Constable) in Bihar Fire Service.

2. The brief facts of the case are that an advertisement was published on 12.08.2012 by the Central Selection Board (Constable Recruitment) Bihar, Patna inviting application for appointment on total 953 seats of Fireman (Constable) under the Bihar Fire Service. The petitioner had submitted the application form in the prescribed manner and he was issued an admit card for appearing in the written



examination. The petitioner had appeared in the written examination and after being declared pass, he was issued another admit card for appearing in the physical test scheduled to be held on 26.05.2014. The petitioner is said to have appeared in the physical test but when the final result was published, he was declared to have failed in the running test. The petitioner had then approached this Hon'ble Court but this Hon'ble Court by an order dated 22.03.2018 had directed the petitioner to file a representation before the Chairman, Central Selection Board and the said Chairman was directed to dispose of the application of the petitioner herein by a reasoned and speaking order.

3. It appears that the Chairman, Central Selection Board (Constable Recruitment) Bihar, Patna by an order dated 09.04.2018 has disposed of the representation of the petitioner in view of the directions of this Court holding that the petitioner has been declared unsuccessful in the physical test, inasmuch as, according to the advertisement, a candidate was required to run a distance of one mile (1600 meter) in 06 minutes, however the petitioner after running for 1280 meter abandoned the running and the said distance was covered in 346.95 seconds, hence since the petitioner could not run the prescribed distance in the prescribed time, he was declared unfit in the physical test.

4. I have heard the learned counsel for the parties and examined the materials on record. Admittedly, the petitioner, in his



pleadings made in the entire writ petition, has not controverted the finding arrived at by the Chairman, Central Selection Commission in his order dated 09.04.2018 to the effect that the petitioner could not complete the running of the prescribed distance within the prescribed time, hence he was declared unfit in the physical test, as such, no relief can be granted to the petitioner in the present writ petition. Moreover, in paragraph no.3 of the impugned order dated 09.04.2018, it has been specifically stated that the race result report is generated by the computer. The entire race of the candidates is recorded by the Radio Frequency Identification Device System, hence there cannot be any mistake in calculating the distance and the time in which a candidate has run the race. In view of the afore-said factual position, no doubt, can be raised against the respondent authorities. In any view of the matter, if the petitioner has raised a disputed question of fact, the present is not the forum for agitating the same and the appropriate remedy for the petitioner would lie elsewhere.

5. For the reasons mentioned hereinabove, there is no merit in the present writ petition and the same is dismissed.

(Mohit Kumar Shah, J)

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CAV DATE	-
Uploading Date	08.06.2018
Transmission Date	-

