

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19089 of 2008

-
-
1. Pappu Kumar,s/o Gopal Singh,r/o Village & PS Sitamarhi, District Nawada
 2. Abinash Kumar,son of Ganesh Jha, r/o Vill Loknathpur, PS Dalsinghsarai
District Samastipur

... .. Petitioners

Versus

1. The State of Bihar
2. The Deputy Inspector General BMP (Central Range) Patna
3. The Superintendent of Police, Bhojpur -cum-Chairman, Central Circle
Board 2, Patna
4. The Superintendent of Police Patna -cum-Chairman, Central Circle Board 1
Patna
5. The Commandant, BMP 4 Patna
6. The Commandant, BMP 20 Dumraon, Buxar

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Mithilesh Kr.Rai
For the Respondent/s : Mr. Rakesh Ranjan, AC to AAG 12

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 09-09-2019 Heard Mr. Rai appearing for the petitioners as well as
learned State Counsel.

Having participated in the process of selection initiated by
Advertisement No. 2 in the year 2004, the petitioners have
approached this court in the year 2008 seeking direction that their
result should be declared adding the marks which were due to them
on account of certificate of sports in the sports category.

The authorities have filed a counter affidavit. It is their
specific stand that along with the application, the petitioners had not
produced any certificate in support of their claim for consideration
against sports quota.

Mr. Rai appearing for the petitioners submits that the



stand is prima facie unsustainable. The communication of the Deputy Inspector General of Police at Annexure 5 dated 27.8.2007 and the subsequent documents on record of the writ proceeding show that the authorities had in fact taken steps for verifying the genuineness of the claim submitted by the petitioners on the basis of certificates and that the ground has been taken in the instant proceeding without any basis. The records reveal that the certificate was very much with the authorities since filing of the application by the petitioners.

This Court has considered the rival submission of the parties. The petitioners participated in the selection process in the year 2004. The alleged representation filed by the petitioners are enclosed at Annexure 3 to the writ petition. None of the representations are dated nor they bear any receiving by the authorities. Prima facie, this Court is of the opinion that Annexure 5 dated 27.8.2007 is not a correspondence which is based on copies of representation enclosed in the writ petition at Annexures 3 and 4.

Having observed so, this court would proceed to consider the effect of Annexure 5. Annexure 5 takes note of the fact that the petitioners have submitted representation alleging or claiming that they had filed their application along with certificate but still they have not been considered for appointment against sports quota. The same is in fact an appeal submitted by petitioners. The appeal has not been placed on record by the petitioner. The correspondences makes it abundantly clear that relying upon the petitioners' appeal and the



copies of the certificates enclosed therewith the authorities have proceeded to get the sport certificates verified. From nowhere it can be concluded that the petitioners had submitted the certificates along with their initial application. Even in the writ petition there is no such averment.

Having considered the aforesaid lapse, this Court would not exercise jurisdiction in favour of the petitioners merely because three years after having participated in the selection process they have filed an appeal which led to issuance of such correspondence. Requirement of submitting sports certificate at the time of selection cannot be relaxed in favour of the petitioners merely by virtue of some correspondences initiated on the basis of their appeal submitted in the year 2007 which appeal is also not on record of the instant proceeding.

No case is made out for grant of relief to the writ petitioners.

The writ petition is dismissed.

(Madhuresh Prasad, J)

SNkumar/-

U			
---	--	--	--

