IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3766 of 2019

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Veena Kumari Wife of Shri Munna Kumar Sharma, resident of Village and P.O.- Mujauna, P.S.- Dariyapur, District- Saran (Chapra).

... ... Petitioner/s

Versus

1. The State of Bihar and Ors through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Central Selection Board of Constable, Shri Sai Tara Complex, I.A.S. Colony, Jawahar Lal Nehru Marg, Patna- 801503.
3. The Chairman, Central Selection Board of Constable, Bihar, Patna.
4. The Secretary, Central Selection Board of Constable, Bihar, Patna.
5. The Officer of Special Duty, Central Selection Board Of Constable, Bihar, Patna.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Prakash Srivastava
Mr. Ram Kishore Singh
For the State : Mr.Md.Nadim Seraj (GP 5)
For CSBC Mr. Sanjay Pandey
Mr. Binod Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

4 22-08-2019 Heard counsel for the petitioner and counsel for the respondents-State as well counsel for the Board.

Petitioner seeks direction to respondent-Board to consider her candidature for the post of constable for which she had applied in response to Advertisement no. 01/2017.

Petitioner while making her on-line application claimed to be member of the category B.C. Petitioner's participation in the entire process was on the basis of the said on-line application form and she was found qualified in written

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as well as physical test. At the time of preparation of merit list when testimonial was examined, it was revealed that the petitioner was actually member of the category E.B.C. On account of such mistake in the category entered in the on-line application form and admitted difference as per her testimonials, her candidature has been rejected in the process of selection.

Mr. Srivastava, learned Senior Counsel for the petitioner has submitted that in terms of advertisement, it was incumbent upon respondent- Board to scrutinize application forms and only such application was to be allowed which was correct in all respects. The authorities have consciously allowed the petitioner to participate in the process because they have failed to do proper scrutiny, petitioner cannot be made to suffer. Error in the entry in the category (class) was a bonafide mistake. Petitioner at the time of verification had brought forward correct category under which she is claiming consideration that her result should be published giving benefit of category of E.B.C to which she admittedly belongs.

Reliance is placed by the petitioner's counsel on the decision in the case of Anil Kumar vs. The State of Bihar & ors reported in 2013(4) PLJR page 1, in the case of the Central Selection Board of Constables & ors vs. Raj Kumar & ors

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reported in 2017(1) PLJR page 599 and in the case of Shri Krishan vs. The Kurukshetra University reported in AIR 1976 SC page 376, it is submitted that once the authorities had allowed the petitioner's participation upto physical test, they had no locus to reject her candidature. More so, when the petitioner at the time of verification had disclosed her correct category and as such non-consideration by the authorities is not in accordance with law.

Counsel for the respondent-Board, on the other hand, submits that apart from responsibility being cast upon respondent-Board to scrutinize applications. The advertisement and guidelines caste an obligation in specific terms requiring the candidate to be cautious in filling up on-line application form. Opportunity was granted to all candidates to correct such entry on or before 30.08.2017. Petitioner admittedly has not corrected her mistake prior to 30.08.2017. Respondent-Board as per advertisement retained option for cancelling the candidature, if entry in the website application form was found to be incorrect.

Having considered rival submissions, this court would observe that judgments relied upon by counsel for the petitioner do not apply in the facts and circumstances of the instant case. In the instant case, authorities retained option for cancelling

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candidature at any time, if it was detected that there was mismatch in details uploaded in the online application form with actual caste (category). Petitioner had also not availed opportunity to correct mistake as per advertisement itself.

Petitioner had to abide by terms and conditions contained in the advertisement to which she had applied. She cannot be permitted further latitude than what is allowed in terms of the advertisement, as standard has to be uniform for all candidates. No enforceable claim has been made out.

Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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