

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5344 of 2019

=====

Shruti Kumari, Female, aged about 24 years, D/o Late Ramakant Tiwari,
Resident of Mohalla-Khagaul Road, R.K.Puram, Saguna More, P.S. Danapur,
District- Patna-801503.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Bihar, Patna.
2. The Principal Secretary, General Administration Department, Bihar, Patna.
3. The Joint Secretary, General Administration Department, Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Satyabir Bharti, Adv.

Mr. Alok Chandra, Adv.

For the Respondent/s : Mr. Sheo Shankar Prasad, SC-8

Mr. Anis Kumar, AC to SC-8

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 09-04-2019

The petitioner, who is a sportsperson and has specialized in the sport of Fencing, is aggrieved by the fact that her candidature has not been considered while publishing the final merit-list of shortlisted candidates for appointment against Group - C posts against an advertisement dated 23rd June, 2015.



2. It is the case of the petitioner that as against the advertisement referred to above, she had applied for one of the posts (136 posts of Class-III was advertised) by annexing all the requisite certificates of her having participated in National Level Championship events for 3 consecutive years, entitling her to get a weightage in the consideration. To the surprise and dismay of the petitioner, she found that her case was not considered for giving weightage as the application form was deficient inasmuch as all the certificates reflecting her participation in the National Level Championship events consecutively for 3 years was missing. A clarification was given by the petitioner reiterating the stand that all the certificates necessary for her to be considered and to get weightage of marks has been furnished by her. Despite this, without verifying the records, it has been urged on behalf of the petitioner, the concerned authority has rejected the prayer of the petitioner for being considered for appointment on Class-III post, merely on the ground that the certificates annexed by the petitioner in her form are not complete that is to say that



certificates of 3 consecutive participation was not furnished by the petitioner.

3. Mr. Satyabir Bharti, the learned counsel for the petitioner submits that the aforesaid statement of the concerned respondent is absolutely incorrect factually.

4. The positive stand taken by the petitioner and reiteration of the same facts twice before the concerned authority that all the requisite certificates reflecting consecutive participation for 3 years in the National Level Championship has been filed by the petitioner, there is no reason for this Court to dispute that statement, more so when the order rejecting the prayer of the petitioner does not indicate such facts. The rejection simply indicates that because of the deficiency of the papers in the application form, the candidature of the petitioner is not being considered.

5. Under the aforesaid circumstances, the petitioner is directed to make a fresh representation/complaint before the Principal Secretary, General Administration Department, Bihar, Patna



(respondent No. 2), detailing her grievances, annexing a copy of the application which was furnished at the time of making the application for the first time and later her clarification and also a copy of this order, within a period of three weeks from today. On receipt of such representation/complaint, the concerned respondent, after verifying the facts, shall pass necessary order in accordance with law within a further period of six weeks thereafter, keeping in mind that the selection process has not yet been completed and the posts are still vacant.

6. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.04.2019
Transmission Date	N/A

