

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6324 of 2019

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Bhasker Banerjee, Son of Shri Kanchan Kumar Banerjee Resident of
Opposite Holy Trinity School, at Babuaganj, P.S.- Alamganj, District- Patna-
800007

... .. 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

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Appearance :

For the Petitioner/s : Mr. Satyabir Bharti

For the Respondent/s : Mr. Md. Nadim Seraj (GP5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 09-04-2019

Heard the learned counsel for the petitioner and the
State.

2. The petitioner, who is a sportsperson and plays the
game of Fencing, is aggrieved by the fact that he has not been
considered for being appointed on Class-III post for which he
had applied against the Advertisement No. 3 of 2015.



3. By the aforesaid advertisement, 136 posts of Class-III was advertised.

4. The rules framed by the government with regard to outstanding sportsperson indicate that any person who has participated consecutively for three years in national championship events, would be awarded marks and if, per chance, he wins anyone of the medals, i.e., gold, silver or bronze, additional marks would be given to him. The petitioner, apart from having participated in three consecutive events of national championship entitling him to get such marks for such participation, has also obtained bronze medal. When an objection was raised by the petitioner, the concerned authorities/respondents communicated to him that the certification is by an organization which is not recognized for giving such weightage under the Rules for reservation for outstanding sportsperson.

5. Mr. Satyavir Bharti, learned counsel for the petitioner submits that there is no dispute with respect to the participation in a national championship events consecutively.



He ought to have been marked for the aforesaid which is his entitlement.

6. The other ground of attack is that for having received bronze medal in one of the events, he has not been marked for the reason that the certificate attached along with the application was not by an organization which is recognized by the respondent State. For the aforesaid objection, Mr. Bharti, learned counsel for the petitioner, argues that for several years, it was the Fencing Association of India, which was the recognized organization and only for a period of two years, the name of the organization was changed to Fencing Federation of India. There is no dispute with respect to the organization which has given the certificate to be a recognized organization. In fact, it has been urged on behalf of the petitioner that the State Government had facilitated the participation of the petitioner in such events because of his having been sponsored by the Federation of Fencing.

7. The other ground of challenge against the non-consideration of the candidature of the petitioner is that out of the two objections which were raised by the petitioner, only



one was answered and that also, in the estimation of the petitioner, with an incorrect position of fact. The stand of the State, therefore, is stated to be unsustainable in the eyes of law.

8. There is force in the submission of Mr. Bharti. The authorities concerned are required to revisit the issue after verifying the facts.

9. For the aforesaid purpose, this Court directs the petitioner to make a fresh representation before the Principal Secretary, General Administration Department, Government of Bihar, Patna (Respondent No. 2), detailing the grievances, annexing a copy of the application which was furnished at the time of making the application for the first time, the later clarification offered 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.

10. With the aforesaid observation / direction, this petition stands disposed off.



While saying so, the Court has taken note of the submission made on behalf of that petitioner that the posts are still vacant even though the process of selection is over.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	12.04.2019
Transmission Date	

