

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.360 of 2019

In

Civil Writ Jurisdiction Case No.4645 of 2016

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Bablu Kumar Pathak Son of Prabhunath Pathak Resident of Village-Barwan,
P.S.- Ander Dist Siwan.

... .. Appellant/s

Versus

1. The Union of India through the Secretary Home Affairs, Government of India
2. The Secretary Staff Selection Commission, Allahabad
3. The Deputy Director Staff Selection Commission, (CR) Allahabad

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rashmi Kumari Mandilwar, Advocate
Mr. Nityanand Neeraj, Advocate
Mr. Amrendra Kumar, Advocate

For the S.S.C. : Mr. Rajesh Kumar Verma (Addl. Solicitor General)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-06-2019

I.A. No.1 of 2019

Having heard learned Counsel for the parties, we are satisfied that the delay has been sufficiently explained. The delay condonation application is allowed. The appeal shall be treated to be within time.



L.P.A. No.360 of 2019

Heard learned counsel for the appellant and perused the impugned judgement of the learned Single Judge of Allahabad High Court in Writ Petition No.48354 of 2017 (Ajit Singh & 54 others Vs. Union of India & Ors.), decided on 20.8.2018.

The following is extracted from the judgement of the Allahabad High Court for ready reference in view of the submission raised:

Shri S.P. Singh, learned Additional Solicitor General of India, assisted by Shri Gyan Prakash, Assistant Solicitor General of India, appearing on behalf of the Commission states, on instructions from the Deputy Director of the Commission, present in Court, that the Commission would be willing to examine such individual instances and to consider the individual cases in that regard, provided they fulfill the eligibility and are found medically fit.

In view of the fair stand taken by the respondents, it would be appropriate to observe that any of the petitioners, in this bunch of similar writ petitions, if has secured marks above the cut off in the respective category to which he belongs, it shall be open for him to approach the Commission, along with certified copy of this order, within a period of two weeks from today and the Commission shall scrutinize



their claim and consider them for appointment within a further period of two months, thereafter. The Commission, however, shall be at liberty to examine the eligibility of the candidate and also, scrutinize the category to which the belongs, apart from examining as to whether he is medically fit or not.

In view of the aforesaid discussion, no direction can be issued for consideration of claim for appointment of those petitioners, pursuant to the recruitment exercise initiated in the year 2011, where the petitioners have secured marks below the cut off specified in the final result dated 28.11.2011 and the prayer, to that extent, stands rejected.”

Learned counsel for the appellant has vehemently urged that the appellant falls within the said category and, therefore, his request should also be considered.

We do not intend to go into the merits of the claim of the appellant, but in view of the stand so taken and keeping in view the facts as pleaded, it would be appropriate that the claim of the appellant is considered in accordance with law in the light of the judgment of Allahabad High Court and appropriate communication shall be given to the appellant by the competent authority within three months from today.

The appeal is disposed of accordingly in



modification of the impugned judgment.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Saif/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	26.06.2019
Transmission Date	N.A.

