

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14292 of 2015

=====

Sujit Suman Son of Rajendra Paswan, Resident of Village- Bari Yusufpur,
P.O.- Hajipur, P.S. Industrial Area, District- Vaishali

... .. Petitioner

Versus

1. The Chairman, Staff Selection Commission Block No. 12 Central Government Office Complex Lodhi Road, New Delhi
2. The Chairman, Staff Selection Commission CR, 21- 23 Lawther Road, Allahabad, Uttar Pradesh
3. The Secretary, Staff Selection Commission CR, null 21- 23 Lawther Road, Allahabad, Uttar Pradesh
4. The Union of India, through the Lt. Colonel, DADMS, Project Himank, RMO GREF Centre, Dighi Camp, Pune- 411015

... .. Respondents

=====

Appearance :

For the Petitioner/s	:	Mr. Bisketu Sharan Pandey Mr. Rajeev Ranjan No.Ii
For the Respondent/s	:	Mr. Rajesh Kumar Verma, Asst. Soc. Gen.

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-09-2019 Heard learned counsel for the petitioner and the Assistant Solicitor General for the Staff Selection Commission.

The writ petitioner has sought quashing of letters dated 24.2.2015 and 2.5.2015 whereby petitioner's candidature for appointment as lower division clerk has been rejected on account of the same being found medically unfit.

Petitioner's counsel submits that the advertisement of 2013 was issued by the respondent commission. The same contemplated that when the candidates were declares successful in the written test and were called for typing test, they were



to give option/preference in respect of the ministry/ department/ office for which they were applying. The petitioner gave his option for being appointed in the Ministry of Road Transport and Highways. He submits that without informing the petitioner as to for which department/office/ministry his application was being processed, or his result had been declared, and ignoring the preference given by the petitioner he has been allotted military service.

Petitioner's counsel submits that the result showed the petitioner to have applied for the Ministry of Road Transport and Highways and thus denying the same to the petitioner is baseless, unjustified and without assigning any reason.

On going through the pleadings, it is clear that in the select list the petitioner was at serial No. 2216. The preference of the petitioner for the Ministry of Road Transport and Highways has been indicated in the select list. There is nothing in the advertisement which binds the authorities by the preference given by the applicant. The candidates acquired no right for being allotted the department/ministry/office as per their option indicated after their written examination as there is no such stipulation in the advertisement.

Further this court would find from the pleadings that



when the petitioner was allotted a civil post in the military he was subject to medical examination for the same. After being examined medically, he has also appealed against the result of the medical examination within sixty days limitation prescribed for the same. This fact is evident from the communication of the respondents dated 2.5.2015 (Annexure 4).

It is only when the petitioner has also been declared medically unfit by the appellate authority that he is now raising the issue that he should have been allotted the office/ department/ministry as per his preference. He has appeared at the medical examination for civil post in the Military without any objection, and having participated in the same he cannot be permitted to turn around and say that he could only have been allotted posting in the ministry/ department as per the option submitted by him, i.e. Ministry of Road Transport and Highways. It has already been noticed that the advertisement does not contemplate any stipulation that the candidates would have any right for being appointed against the department/ministry for which they have made their application.

In the circumstances, this Court does not find that the petitioner has any enforceable right.

The writ petition stands dismissed.

(Madhuresh Prasad, J)

SNkumar/-

U			
---	--	--	--

