

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20534 of 2011

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1. Manoj Kumar Pandit Son Of Shankar Pandit Resident Of Village - Jagdishpur, P.O.- Punsia, P.S.- Rajoun, District - Banka
 2. Ranjeet Kumar Yadav Son Of Late Lakhan Yadav Resident Of Village - Kathchatar, P.O.- Lilatari, P.S.- Rajoun, District - Banka
 3. Anil Kumar Yadav Son Of Genda Lal Yadav Resident Of Village - Alipur, P.O.- Nawada Bazar, P.S.- Rajoun, District - Banka
 4. Sunil Kumar Son Of Kuldip Yadav Resident Of Village - Amjora, P.O.- Sondiha, Babhangama, P.S. Dhoraiya, District - Banka
 5. Subodh Ranjan Nirala S/O Bhola Prasad Yadav Resident Of Village - Jagdishpur, P.O. - Punsia, P.S.- Rajoun, District - Banka

... .. Petitioners

Versus

1. The State Of Bihar
2. The Director General Of Police, Bihar, Patna
3. Central Selection Board, State Of Bihar Through Its Chairman, Band Harding Road, Patna-1

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Mritunjay Prasad Singh
For the Respondent State:	:	Mr. Anil Kumar Singh, GP-26
For the CSBC	:	Mr. Sanjay Pandey
		Mr. Binod Kumar Mishra
		Mr. Vivek Anand Amritesh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 21-12-2019 The matter relates to appointment on the post of Constables in the State of Bihar based on an advertisement issued by the Central Selection Board (Constable Selection) in 2009. It is the case of the petitioners that their roll numbers had earlier figured in the list published by the Board of selected candidates on 18.12.2010, however, the results were



subsequently revised and in the revised list their names/roll numbers do not figure.

2. A counter affidavit has been filed on behalf of the Board stating therein that in the light of an order of this Court dated 19.02.2011 passed in C.W.J.C. No. 14170 of 2010 (*Pinku Kumar Singh and Others vs. The State of Bihar and Others*) and other analogous cases, the result was revised. Relevant portion of the said order of this Court dated 19.02.2011 has been quoted in paragraph 14 of the counter affidavit, which reads thus: -

“to re-draw the final result of selected candidates on the basis of two stages of Physical Evaluation Test separately. Accordingly, result of all the remaining candidates of PET-1 must be published separately and they must be recommended for appointment against remaining available vacancies of different category out of 5058 vacancies allotted to the quota of N-H.G. Thereafter only remaining vacancies out of 5058 be filled up category-wise from the candidates of respective category who may have cleared the PET-1. Similarly the remaining vacancies of H.G. category shall thereafter be filled up strictly from the candidates of respective category becoming available after PET-2, in which the left over candidates of PET-1, who may have been found surplus, and the left over vacancies of PET-1 shall also be taken into account strictly as per their category and ranking in the merit list of written test. The separate lists in the above manner shall be drawn and



finally published by the respondents within one month from the date of receipt/production of a copy of this order.”

3. Appeals preferred by the Board and the State of Bihar against the said order were dismissed by a Division Bench of this Court. It has been stated that in terms of the directions issued by this Court in the order dated 19.02.2011, a revised final list was published on 10.08.2011, wherein the petitioners could not be placed in the list as selected candidates because of their lower merit. It has specifically been stated in the counter affidavit that petitioners No. 2 to 5 have secured less marks than the last recommended candidate in their category, whereas in respect of petitioner No.1, it has been stated that though he secured the cut off marks of 66 as a candidate belonging to EBC category, but because other persons who also had secured same cut off marks, on the basis of their respective dates of birth, merit list was prepared and consequently the petitioner No.1 could not be included in the merit list.

4. What has been averred in the counter affidavit has not been controverted. Considering the uncontroverted facts asserted in the counter affidavit, since this is an admitted fact that the petitioners could not be included in the merit list for valid reasons, no interference is required.



5. This writ application is dismissed.

(Chakradhari Sharan Singh, J)

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