

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.412 of 2017

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Rakesh Kumar S/o Late Kameshwar Prasad R/o Village - Gawaspur, P.O. - Piroo, P.S. - Haspura, District - Aurangabad, Bihar Pin Code - 824120.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, State of Bihar, Patna.
3. The Excise Commissioner, Excise Department Bihar Patna.
4. The Chairman, Central Selection Board of Constable (Adhyakchha, Kendriya Chayan Parshad, Sipahi Bharti, Bihar, Patna) Sri Sain Tara Complex, (I.A.S. Colony, Jawahar Lal Nehru Marg, Patna, 801503.

... .. Respondent/s

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Appearance :

For the Petitioner	: Mr. Pramod Kumar Singh, Advocate
For the State	: Mr. H.S. Roy, AC to AG.
For the CSBC	: Mr. Sanjay Pandey, Advocate.
	Mr. Binod Kr. Mishra, Advocate.
	Mr. Vivek Anand Amritesh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 02-01-2019

Heard Mr. Pramod Kumar Singh, learned advocate for the petitioner, Mr. Sanjay Pandey, learned advocate for Central Selection Board of Constable and learned advocate for the State.

2. The petitioner has approached this Court for a direction to the respondents to produce answer sheets (OMR-Sheet) of written examination and marks obtained in PET/Screening Test and the selection list of all the 155 candidates for appointment in the cadre of Bihar Excise Constables.



3. The case of the petitioner is that he is an ex-Army Man and that the vacant post of the Excise Constables have not been filled up.

4. It has further been submitted that the Excise Department, Government of Bihar had entrusted the selection of the constables in the department of Excise to the Central Selection Board of Constables in the year 2014. The vacancy projection was 831 in the year of the advertisement. Examination was taken in various stages and the petitioner had applied for the post of Excise Constable in the category of OBC/Ex-Army Man. Because of his being an Ex-Army Man, he was also given age relaxation. The final list was published on 15.12.2016. In the aforesaid list, the name of the petitioner did not figure.

5. Mr. Sanjay Pandey, learned advocate for the C.S.B.C. has informed this Court that the petitioner had secured only 126 marks whereas the cut off marks in his category was 135. In that view of the matter, the claim of the petitioner for his appointment to the post of Constable is without any basis.

6. Learned counsel for the petitioner, however, has made a different argument and has stated before this Court that according to the Advertisement No. 01/15, 25% quota was fixed for Ex-Army Men. Since the vacancy number was 831, the reserved seats for Ex-Army Man



would be for 208 posts. Admittedly, only 155 constables have been appointed. In that view of the matter, the claim of the petitioner, as has been argued survives with respect to the panel prepared of the candidates.

7. Mr. Pandey, learned advocate for the C.S.B.C., however, has shown to this Court that the published result clearly indicates that in the category of Extremely Backward Caste the entire post has been filled up. Even in the category of Backward Caste, the entire posts, meant for men have been filled up.

8. In that view of the matter, the prayer of the petitioner of production of OMR sheet/the test result for the purposes of ascertaining whether any post is left and whether the petitioner still has a surviving claim pursuant to the aforesaid advertisement, has been rendered meaningless.

9. Thus, no useful purpose would be served in entertaining this writ petition.

10. The writ petition is, accordingly, dismissed.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.01.2019
Transmission Date	

