

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 6925 of 2015

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Sunny Kumar, Son of Rajendra Prasad, Resident of Village- Dih, P.O.- Kewti,
P.S.- Barbiga District- Sheikhpura, At Present resident of Village-
Dhankipar, P.O.- Keora, P.S.- Punpun, District- Patna.

... .. Petitioner/s

Versus

1. The Union Of India through the Inspector General (pers), Sashastra Seema Bal, East Block, V R K Puram, New Delhi
2. The Inspector General (Pers), Sashastra Seema Bal, East Block, V.R.K. Puram, New Delhi.
3. The Director General, Sashastra Seema Bal, East Block, V.R.K. Puram, New Delhi.
4. The Regional Director, Staff Selection Commission, Central Region, Allahabad.
5. The Deputy Director, Staff Selection Commission Central Region, Allahabad.
6. The Medical Officer, Central Armed Police Forces SCC, Allahabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Pankaj Kumar, Advocate
For the Respondent/s	:	Mr Rajesh Kr Verma, ASG
		Mr Manoj Kumar Singh, CGC

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 24-07-2019

Heard learned counsel for the petitioner and learned Assistant Solicitor General for the Union of India assisted by Central Government Counsel.

2 Petitioner was a candidate in the process of selection of Constable (General Duty). Advertisement was published in the various national newspapers by the Staff Selection Commission.



Advertisement was also available on the website. Petitioner applied in response to the same. Petitioner was, admittedly, found successful in the process of selection.

3 Issue has arisen on account of two addresses furnished by the petitioner. For correspondence, petitioner has given address at Village – Dhankipar, PO – Keora, PS – Punpun in the district of Patna. The petitioner had also given his native/permanent address in the application form which is at Village – Dih, PO – Kewti, PS – Barbiga in the district of Sheikhpura.

4 Petitioner's counsel submits that in accordance with the terms and conditions contained in the Advertisement (Annexure 1), the respondent-authorities were obliged to communicate the result requiring him to join at the Regional Training Centre (for brevity, RTC), Sashastra Seema Bal (for brevity, SSB), Bhopal on or before 25.06.2014 at his correspondence/present address at Punpun. Communication, however, was sent to his permanent address at Sheikhpura and, therefore, the respondents themselves have violated the terms of the Advertisement (Annexure 1) which required the Communication to be sent at present/correspondence address as all



other communication in the process of selection was sent at his present address "Punpun".

5 The admitted position is that the petitioner's father and mother live at his native place at Sheikhpura. Petitioner's specific case is that his uncle and aunt may have returned back the communication from his permanent address and, therefore, he could not receive any intimation regarding the date "25.06.2014" having been fixed for joining at RTC, Bhopal.

6 The petitioner was later on again sent a Communication requiring him to submit his joining and report for training at Alwar, the last date for which was 11.09.2014. A third Communication requiring the petitioner to report for training at Shjamsi in Himachal Pradesh on or before 13.11.2014 was also communicated to the petitioner at his permanent address. All the three communications, as per the petitioner's case, were not received by him and he was expecting Communication at his present/correspondence address.

7 Having regard to the aforesaid circumstances, this Court directed the Union of India to file its stand as regards the terms of Advertisement dated 03.12.2011, pursuant to which the petitioner had applied. Union of India has placed on record the



Advertisement which was posted on the website. The

Advertisement, clearly stipulates as follows:

“Detailed Programme of PST/PET and Medical Examination will be available on the website of the concerned Regional Offices, alongwith Roll Number block of candidates for each day, at least two weeks before PST/PET or Medical Examination. Similarly, details of centres/sub-centres will also be available on the Regional websites at least two weeks before the written examination.

Candidates are advised to visit the concerned Regional Office’s website periodically for obtaining the information, though call-letters will be sent by post.”

8 As per the terms of Advertisement, it is the submission of the Union of India’s counsel that petitioner was required to be diligent and refer to the website for knowledge as regards the detailed programmes including medical examination. There was a clear stipulation and advisory to all the concerned that they were to examine website periodically for obtaining any other information. Petitioner has failed to exercise due diligence and not referred to the website and, therefore, he cannot be heard to contend that he has not received any notice at his correspondence/present address in respect of his joining for training.

9 Claim of the petitioner that he had a right to communication at his present/correspondence address is based on



a publication of the Advertisement by some private vendors purchased from the market. He submits that the terms and conditions and requirements in relation to the selection process would be governed by the official Advertisement which was published in the National Daily and which was available on the website. Merely because some private publishers had published some clause or condition in their version, the same can neither give rise to a right in favour of the petitioner nor cast a liability on the respondents to ensure communication at the present/correspondence address, which is not there in the official advertisement or on the website.

10 Submission of the learned Assistant Solicitor General in this respect is accepted by the Court. The process of selection has to be as per official Advertisement which has been published in the National Daily and which is available on the website. Rights inter se between the employer and the candidate cannot be guided by a version of the Advertisement published by some private entity which contains terms and conditions which are at variance with the official Advertisement. The petitioner, in the circumstances, cannot claim any right on the basis of the Advertisement (Annexure 1).



11 Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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