

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 10264 of 2011

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1. Navin Kumar, S/O Sri Satrugan Prasad Yadav R/O Vill.- Kanjri, P.O. P.S.- Beladur
 2. Pappu Kumar S/O Sri Suresh Prasad R/O Vill.- Babu Bagicha, P.S.- Maheshkhut
 3. Shambhu Kumar Singh S/O Sri Rajendra Prasad Singh R/O Vill.- Saharkundi, P.S.- Mansi
 4. Uttam Singh S/O Sri Madhuri Prasad Singh R/O Vill.- Bangaliya, P.S.- Mansi, Distt.- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Khagaria
3. The District Selection Committee through its President, D.M. Khagaria

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Narayan Singh, Sr Advocate
For the Respondent/s : Mr Dhurjati Kr Prasad, GP XIV

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 15-07-2019

Heard learned Senior Counsel for the petitioners as well as the learned State Counsel.

2 Petitioners have approached this Court making a prayer that this Court should direct their appointment on the post of Home Guard as they were suitable from all points and the posts are remaining vacant. Petitioners participated in the process of selection in the district of Khagaria.



3 The respondents have filed a counter affidavit. It is their specific stand that in the category for which the petitioners had applied that is backward class, the cut off mark was 11. There were 15 total posts available in the roster for the petitioners' category.

4 Petitioner No 1 had obtained cut off marks 11, but another candidate was having the same marks. Decision, therefore, was taken in favour of the other person, namely, Dinesh Kumar on account of his date of birth being earlier to that of petitioner No 1 and because Dinesh Kumar was elder than the petitioner. Dinesh Kumar has not been impleaded in the instant proceedings by the petitioners, though copy of the counter affidavit has been served way back in the year, 2012.

5 Petitioners No 2, 3, and 4, as per the averments made in the counter affidavit, secured 9, 10 and 10 marks respectively and, as such, they were below the cut off marks and not entitled to appointment. The last serial from the merit list, who has secured appointment, was serial No 90. Respondents No 2, 3 and 4 were below serial 93 and, therefore, beyond zone of consideration.

6 It is also placed on record that after the selection process, wherein the petitioners have participated, advertisements were notified in the years 2009 and 2011 for the same purpose.



The remaining vacancies were carried forward as per the Guidelines to prepare the rosters for appointment. This has been the stand of respondent No 2 in his counter affidavit. There is no rejoinder or dispute to the State's averments made in the counter affidavit filed by respondent No 2.

7 Having regard to the facts taken note of herein above, this Court does not find any infirmity in the action of the respondent-authorities.

8 After a fair assessment, respondents have considered the claim of the instant petitioners. Since the petitioners could not emerge successfully on account of their merit, they are not entitled to any directions in their favour.

9 Writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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