

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.369 of 2019

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Ajay Kishore Prasad S/o Nand Kishore Prasad, Resident of Village- Charwar
Takia, P.O. P.S.- Sasaram, Distt.- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Chairman, Kendriya Chayan Parishad Sepoy Recruitment Office, Sai
Tara Complex, I.A.S. Colony J
3. The Public Information Officer, Kendriya Chayan Parishad Officer, Bihar,
Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ravi Shankar Sahay Mr. Chandra Mohan Jha
For the State	:	Mr.Hari Shankar Roy, AC to AG
For CSBC		Mr. Sanjay Pandey Mr. Binod Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 25-07-2019 Heard counsel for the petitioner and counsel for the
respondents-State as well as counsel for the respondent-Board.

Petitioner participated in the process of selection for
appointment of Sepoy.

Counsel for the petitioner submits that petitioner was
member of extremely backward category but due to bonafide
mistake, application was submitted online as a backward
category candidate. On account of such mistake which is
bonafide, candidature of the petitioner has been cancelled
though he has duly qualified in the written test which is evident
from the list of successful candidates (Annexure 2).



Mistake being bonafide, petitioner should be assessed as per marks secured in backward category.

Terms of the advertisement (Annexure A) as per submission of the counsel for Board are uniform and is applicable to all. On account of such mismatch in the reservation category as per terms of advertisement candidature has been cancelled.

Process has to be conducted as per terms and conditions of the advertisement. There is no scope for the petitioner to seek any direction so as to avoid cancellation of his candidature which is based on terms and conditions of the advertisement. In the background of admitted discrepancy in the caste category entered online by the petitioner, advertisement does not provide discretion in the authority to consider whether the same is bonafide or malafide. Therefore, petitioner has rightly been visited with consequence of cancellation of his candidature.

This court finds force in the submissions of counsel for the Board having regard to the advertisement no. 01/2017 to which petitioner has responded. Petitioner cannot be permitted to avoid consequence of cancellation of his candidature on account of mismatch in the reservation category arising out of



terms and conditions of the said advertisement.

Petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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