

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1061 of 2020

1. Anuj Kumar Meena Son of Sri Lakhan Lal Meena, Resident of Village-Nahar Khohra, Tehsil-Sikrai, District-Dausa (Rajasthan).
2. Hemant Kumar Meena, Son of Sri Chet Ram Meena Resident of Village-Jhula Pada, Tehsil-Bhushawar, District-Bharatpur (Rajasthan).
3. Dharmveer Singh Son of Sri Jawahar Singh Resident of Village-Lathakuri, Tehsil-Govardhan, District-Mathura (Uttar Pradesh).
4. Jaideep Singh Son of Sri Shivnath Singh Resident of House no. 25, Street No.4, Mohalla- Poonam Colony, Town and District-Kota (Rajasthan).
5. Kaushal Kumar Meena Son of Sri Chetram Meena Resident of Village-Jhula Pada, Tehsil-Bhushawar, District-Bharatpur (Rajasthan).
6. Manish Kumar Gupta Son of Sri Sandip Gupta Resident of Village-Hatwa Nakhani, P.O.-Bhatni, District-Deoria (Uttar Pradesh).

... .. Petitioners

Versus

1. The East Central Railway through the General Manager at Hajipur, District-Vaishali.
2. The Inspector General-Cum-Principal Chief Security Commissioner, Railway Protection Forec, East Central Railway at hajipur, District-Vaishali
3. The Deputy Inspector General-Cum-Principal Chief Security Commissioner, Railway Protection Forec, East Central Railway at hajipur, District-Vaishali
4. The Additional Security Commissioner-Cum-Staff Officer, Railway Protection Forec, East Central Railway at hajipur, District-Vaishali
5. The Commandant, Railway Protection Forec, East Central Railway at Hajipur, District-Vaishali

... .. Respondents

Appearance :

For the Petitioner/s	:	M/s Ashok Kumar Choudhary Manoranjan Kumar Akshansh Ankit, Prakash Kumar
For the Respondent/s	:	Mr. Kumar Priya Ranjan Mr. Pallav

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 25-02-2020 Heard learned Counsel for the petitioners and the learned Counsel representing the Railways.

One Advertisement No. 1 of 2016 was published inviting applications for appointment on the post of Constable (Band) in the Railway Protection Force (RPF). Petitioners participated pursuant to the advertisement. Petitioners were subjected to the selection process.



They emerged successful in the written examination. Upon being declared successful, they were subjected to the physical examination test and physical measurement test. Thereafter the petitioners were subjected to a Trade Test. The Trade Test comprised of playing of the instrument for which the petitioners had applied. The same was subject to examination by two co opted music experts one from the CRPF and the other from RPS. It is in these tests that the petitioner did not qualify. Thereafter the candidates who emerged successful were subject to document verification and finally result of those declared selected in the process of selection has been brought out wherein a total number of 1248 candidates have been declared to have qualified.

Petitioners' Counsel submits that by postponing the document verification to after the Trade Test the authorities have allowed their chosen persons to participate in the Trade Test. It is submitted that the same is contrary to the procedure as contained in the advertisement pursuant to which all had applied. The advertisement contemplated document verification prior to the Trade Test. Another submission advanced on behalf of petitioners is that total number of seats after advertisement had been enhanced to 269, however selection have been made only to 148 candidates. It is therefore submitted that the petitioners have been deprived on account of such lowering in number of selection, than actual posts which were advertised.

Learned Counsel representing Railways has referred to the counter affidavit filed by the respondents. The Railways have placed on record a corrigendum (Annexure R5/C and R5/D) which are dated 29.12.2018. The same was necessitated as the advertisement mentioned that the document verification was to precede the Trade Test.

The said stipulation in the advertisement was a mistake as the selection was being conducted under Instruction No. 34 issued by



the Railway Board which stipulated conduct of Trade Test prior to document verification. Therefore the authorities came out with the corrigendum in December 1918 itself. The Trade Test pursuant to such corrigendum has been conducted about nine months later in September 2019. Subsequent to the trade test, the process of document verification followed.

The petitioners with open eyes have participated in this process pursuant to and in accordance with the corrigendum without raising any objection or challenge to the corrigendum. On being declared unsuccessful the petitioners are estopped and cannot be permitted to contend that by preceding the Trade Test before the document verification as per corrigendum issued in December, 2018, respondents have allowed those to appear who otherwise could have been disqualified in the process of document verification.

The petitioners had an opportunity for about nine months to assail the corrigendum, which was based on the instruction issued by the Railway Board under which the initial advertisement had been issued, which they have not done. On the contrary they have participated in the process as per the corrigendum. This Court would therefore observe that now the petitioners cannot be permitted to challenge the process of selection as per corrigendum, on being declared unsuccessful.

Regarding the other submission that only 148 candidates have been declared successful, this Court would observe that the authorities have clearly specified that 802 persons participated. Only 148 could be declared successful as others were disqualified in the process. Question of appointing more persons therefore does not arise as there was only 148 successful candidates.

Lastly petitioners' Counsel has made a desperate submission that certain candidates were allowed to participate in the



Trade Test by playing Harmonium and Mridang though such instruments were not contemplated in the process of selection. The same has been denied by the respondent authorities in their counter affidavit. No rejoinder or reply has been filed thereto by the petitioners though counter affidavit was served much earlier. This Court would therefore accept the uncontroverted stand of the respondents in the counter affidavit.

The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

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