

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7623 of 2020

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Rajeev Kumar aged about 25 years, S/o - Shivaji Sharma, Resident of Village Chiljapati, P.O. Sukul Parkar, P.S Sugauli, distt-East Champaran-845456.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Home, Delhi.
2. Staff Selection Commission (Central Region) Block No. 02 GGO Complex Loadhi Road, New Delhi.
3. The Director General of Police, SSB, East Block, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinay Priyadarshi, Advocate Mr. Ritesh Kumar, Advocate
For the Respondent/s	:	Mr. Dr. K.N. Singh (A.S.G.) Mrs. Nivedita Nirvikar, C.G.C. Mr. Rajesh Kumar Verma , Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 28-01-2021 Heard Mr. Abhinay Priyadarshi, learned counsel for the petitioner, Mr. K.N. Singh, learned Additional Solicitor General assisted by Mrs. Nivedita Nirvikar, learned Central Government Counsel (Union of India) and Mr. Rajesh Kumar Verma, learned counsel for the Staff Selection Commission (Central Region).

2. The present writ application has been filed challenging the rejection of the candidature of the petitioner for the post of Constable (GD) in CAPFs, NIA, SSF and Rifleman in Assam Rifles on the ground that the petitioner did not qualify in Biometric verification.



3. Learned counsel for the petitioner submits that petitioner passed the Entrance Test for the post of Constable (GD) in CAPFs / NIA / SSF and Rifleman in Assam Rifles in the examination held in the year 2018 but without any reason he was not invited for physical test. It has further been submitted that the petitioner was called for physical examination on 22.08.2019 and was not found qualified in biometric verification and liberty was given to the petitioner that if he was not satisfied with the ground of rejection, he may prefer appeal in writing to the Appellate Authority on the same day through Presiding Officer and the decision of the Appellate Authority will be final and no further representation would be accepted / entertained (Annexure – “5” to this writ application). Learned counsel further submits that the fact of the matter is that petitioner as per the Rules prescribed by the respondents filed appeal before the Appellate Authority in writing through the Presiding Officer on the same day inasmuch as per the Rules no format for appeal is prescribed and appeal was required to be filed on the same day i.e. the date of rejection of the candidature by the Presiding Officer. Learned counsel next submits that since the appeal of the petitioner was written inside the campus, the petitioner was not allowed to carry any electronic device as such the petitioner



could not retain a copy of the appeal filed by him on the same day. Learned counsel next submits that the petitioner after many attempts received a letter from the respondent no. 1 stating therein that during the PST / PET held at 44th Bn SSB Narkatiyaganj the petitioner's L.T.I. and photograph did not match and accordingly the Recruitment Board did not carry out his PST / PET.

4. On the other hand, learned senior counsel- cum- Additional Solicitor General appearing for the Union of India submits that this is the second writ petition preferred by the petitioner claiming the same relief inasmuch as the petitioner had earlier approached this Hon'ble Court in C.W.J.C. No. 23615 of 2019 contending therein that he had filed an appeal against rejection of his candidate on the same day and a Co-ordinate Bench of this Court vide its order dated 29.11.2019 has been pleased to dismiss the writ application after arriving at the finding that there is no material on record before the Court to show that the appeal was preferred by the petitioner. Learned senior counsel next submits that on 22.08.2019 the petitioner holding Roll No. 3202302773 appeared for participating in the Physical Efficiency Test (PET) / Physical Standard Test (PST). The biometric data and photograph provided by the Staff



Selection Commission in respect of the petitioner did not match and accordingly he was not allowed to participate in the Physical Efficiency Test (PET) / Physical Standard Test (PST). He next submits that petitioner was handed over rejection slip showing ground that- “not qualified in biometric verification”.

5. Having regard to the submissions made by the parties and considering the fact that a Co-ordinate Bench of this Court has earlier come to the conclusion that no appeal was preferred by the petitioner against the rejection of his candidature on the same day, as such, this court is not satisfied with the contention of the petitioner that he preferred appeal on the same day and is of opinion that this writ application has no merit. Accordingly, it is dismissed.

(Anil Kumar Sinha, J)

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