

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.497 of 2019

In

Civil Writ Jurisdiction Case No.19754 of 2015

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Bishesa Rani D/o Sri Sita Ram Sah Resident of Mohallah-Bakaria Tola,
Maharajganj, P.S.-Alamganj, District-Patna.

...Petitioner ... Appellant/s

Versus

1. The State of Bihar through the Director General of Police, Bihar at Patna.
2. The Director General of Police, Bihar at Patna.
3. The Deputy Inspector General of Police (Admin.), Bihar at Patna.
4. The Deputy Inspector General of Police, Bihar Military Police (Central Division), Patna.
5. The Commandant, Bihar Military Police-14, Patna.
6. The Superintendent of Police, Sitamarhi-cum-Chairman, Selection Committee, Central Division Board No.3.

... Respondents ... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dhanendra Chaubey, Adv
For the Respondent/s : Mr. Prabhat Kumar Verma (AAG3)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 03-02-2021

Heard learned counsel for the parties.

Aggrieved by the judgment and order dated 02.04.2019
passed by learned Single Judge in CWJC No. 19754 of 2015,
dismissing the writ petition, appellant-petitioner has filed this
letters patent appeal.

Appellant was selected as lady Constable under
reserved quota of backward class in B.M.P-14 against Advt. No.



2 of 2014 and joined Bihar Military Police-14 on 19.11.2007. However, her selection was cancelled by order dated 20.12.2007, after an enquiry was made on complaint made by Manisha Kumari alleging therein that even being above in merit list she was not selected and her complaint was found to be true, as such selection of appellant was cancelled and complainant and other who were above in merit list were appointed.

Appellant had challenged order dated 17.2.2012 passed by the Director General of Police in compliance of order dated 13.09.2011 passed by this Hon'ble Court in C.W.J.C. No.10272 of 2010.

Altogether 339 posts of constables were available in Bihar Military Police-14 and as per roster point, 10 posts were reserved for female candidates of the backward class category .

One Manisha Kumari, Roll no. 59520 made a complaint before the selection committee that she had not been selected in spite of getting 7 marks in physical test upon which inquiry was conducted and claim of Manisha Kumari was found to be true.

Accordingly, the Board withdrew its earlier recommendation and recommended three fresh names of the female candidates of the backward class category, who were



Shanti Kumari, Manisha Kumari, Sangeeta Kumari and, accordingly, appellant's appointment was cancelled with effect from 20.12.2007.

It was found during inquiry that the name of appellant was wrongly entered in the merit list prepared by BELTRON and consequently the selection committee, Central Range Board No.3 vide memo no. 985 dated 8.10.2007 declared the appellant as successful and when the mistake was detected on the basis of complaint filed by Manisha Kumari, the recommendation with respect to appellant was withdrawn by selection committee and accordingly, the selection of appellant was cancelled.

It was further revealed that out of the three female candidates whose names were recommended by the selection committee vide memo no. 1046 dated 14.12.2007, only Manisha Kumari joined the service and due to non-joining, selection committee recommended the name of Ranjita Kumari and Veena Kumari who were appointed against the vacant post and even one Kalpana Kumari (not appointed) was placed higher than the appellant in merit list.

It has further been stated that 10 lady constables have been appointed against the 10 vacancies in Bihar Military Police-14 under backward class category and all appointed lady



constables are higher in the rank than appellant in merit list. One Barkha Rani has resigned from service and which is considered as a fresh vacancy, however, even said vacancy is included against present advertisement then also, appellant could not be appointed as one Kalpana Kumari is placed above the appellant in the merit list.

Having heard learned counsel for the appellant and learned counsel for the respondents, this Court does not find any error or infirmity in the order passed by the learned Single Judge, requiring any interference by this Court, accordingly, this LPA is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

