

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16836 of 2018

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Khushboo Kumari daughter of Shiv Shankar Prasad, resident of Village/
Mohalla- Govindpur, Bihar, P.S.- Mansoorchak, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Principal Secretary, Home Department, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. Central Selection Board of Constable through its Chairman, Bihar, Patna.
4. The Chairman, Central Selection Board of Constable, Bihar, Patna.
5. The Secretary, Central Selection Board of Constable, Bihar, Patna.
6. The Commandant, Bihar Military Police, Patna.
7. The Special Work Officer, Central Selection Board Police Recruitment, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kumar Malendu
For the Respondent/s	:	Mr.Md. Nadeem Seraj- GP 5
	:	Md. Iqbal Asif Niazi, AC to GP 5
For C.S.B.C.	:	Mr. Sanjay Pandey
	:	Mr. Binod Kr. Mishra
	:	Mr. Vivek Anand Amritesh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 05-04-2021

1. The present writ petition has been filed for directing the respondent- Central Selection Board of Constable, Bihar, Patna (hereinafter to be referred to as the “respondent-Board”) to declare the petitioner to have passed the written and physical examination for being appointed as Constable in pursuant to Advertisement no. 01 of 2017 and to further direct the respondent-Board to appoint the petitioner on the post of Constable.



2. The brief facts of the case are that the Police Headquarters vide memo dated 30.06.2017 had sent requisition to the respondent-Board for initiating recruitment process for appointment of 9900 Constables in the District Police Force-B.M.P. Battalions and other Units, whereafter the Board had published an advertisement bearing Advertisement no. 01 of 2017 on 29.07.2017 for recruitment of 9900 Constables and applications were invited from the suitable candidates, to be filled up by 30.08.2017. The required essential qualifications have been prescribed in the said advertisement including Educational Qualifications, Height, Chest Measurement, Age Limit and the mode and manner of Written Examination as also the Physical Evaluation Test.

3. The learned counsel for the petitioner has submitted that the petitioner had filled up the application form online on 15.08.2017, however inadvertently while filling the application form online, the caste of the petitioner was mistakenly mentioned as O.B.C. instead of E.B.C. Nonetheless, the petitioner had received the Admit Card, whereafter she had appeared and passed the written examination held on 15.10.2017, inasmuch as another Admit Card was issued to the petitioner to appear in the Physical Test to be held on



16.03.2018. In fact, the petitioner had also cleared the Physical Test and consequently, she was asked to submit her certificates for verification, when the above mistake committed by the petitioner regarding wrong mentioning of her caste was detected. The learned counsel for the petitioner has submitted that atleast, the candidature of the petitioner be considered under the General Category by the respondent- Board.

4. *Per contra*, the learned counsel for the respondent-Board has submitted that it has been specifically mentioned in the Advertisement that if any candidate makes any wrong entry of Reservation Category in the application form then the candidature of such a candidate would be rejected. It is submitted that in the written examination conducted by the respondent-Board, altogether 1051864 candidates had appeared and as far as the petitioner is concerned, she having applied under the Backward Class Female Non-Home Guard category, she was issued Admit Card accordingly. In Clause 20 of the said application form, a candidate has to give declaration that he/ she would not use unfair means in the examination and in case, if anything is found wrong or incorrect, his/ her candidature would be rejected and legal action would be taken. It is further submitted that the petitioner had appeared in the written



examination and had passed the same, whereafter she was selected to appear in the Physical Evaluation Test, wherein also, she had appeared on 16.03.2018, however during verification of documents, it transpired that the petitioner had not produced the certificate of Backward Class category, which had been mentioned in her application form, rather she had produced certificate pertaining to Extremely Backward Class category, hence the candidature of the petitioner was cancelled on account of “Mismatch in Application Form Data with Original Documents”. It is thus submitted that if any candidate enters his wrong reservation category then the candidature of that candidate has to be rejected in light of the aforesaid stipulation in the Advertisement, hence the candidature of the petitioner has rightly been rejected.

In this regard, the learned counsel for the respondents has referred to a judgment rendered by the learned Division Bench of this Court in the case of *Anil Kumar v. the State of Bihar and others*, reported in *2013(4) PLJR 1*, paragraphs no. 4 to 7 whereof, are reproduced hereinbelow :-

“4. The appellant approached this Court under Article 226 of the Constitution for a direction to the respondent State of Bihar to appoint the appellant as a



constable. According to the appellant, pursuant to the advertisement published on 11th December, 2009, he had applied for appointment as constable in Bihar Military Police/ Bihar Police. The appellant applied for such appointment as Extremely Backward Class candidate but he could produce the certificate of Extremely Backward Class. His candidature was, therefore, rejected. Before the learned Single Judge, the appellant raised the contention that since he belongs to a Backward Class community and had produced the certificate to that effect, the respondents should have considered his case as a Backward Class candidate. The learned Single Judge has rejected the contention and has dismissed the writ petition. Therefore, this Appeal.

5. There is no dispute that the claim made by the appellant in the application form was not supported by the requisite document. The contention that the appellant ought to have been treated as a Backward Class candidate irrespective of the contrary information given by him in the application has rightly been rejected by the learned Single Judge.

6. No case for interference is made out.



7. Appeal is dismissed in limine. ”

The learned counsel for the respondents has also referred to a judgment rendered by the learned Division Bench of this Court, reported in **2017 (1) PLJR 599 (Central Selection Board of Constable and others v. Raj Kumar and others)**, paragraph no. 12 whereof, is reproduced hereinbelow :-

“12. Thus, in law, we find that the writ petitioners having given a wrong declaration in his application form, which could not be substantiated by original document, makes their candidature itself invalid. It is a case of wrong categorization which is material for the selection process and become more material when it comes to stage of appointment.”

Lastly, the learned counsel for the respondent-Board has submitted that the final result has already been published on 11.06.2018, wherein 9839 candidates have been declared to be successful out of 9900 vacancies and the remaining 61 vacancies have remained unfilled on account of non-availability of suitable Gurkha candidates, whereafter the respondent-Board vide memo dated 13.06.2018 has also sent the recommendation of successful candidate to the concerned authorities for appointment on the post of Constable and then



the appointment has also been made and selection process has already been completed.

5. I have heard the learned counsel for the parties and perused the materials on record, from which it is clear that the petitioner has admitted that she had mentioned her reservation category to be B.C. (Backward Class) category in her application form submitted online on 15.08.2017, however she could not produce any certificate of B.C. (Backward Class) category and instead, she produced certificate of Extremely Backward Class category, hence she has been rightly disqualified on account of “Mismatch in Application Form Data with Original Documents”, in view of the clear stipulation in the advertisement in question to the effect that if any candidate enters his/ her wrong reservation category then the candidature of that candidate would be rejected. This Court further finds that in Clause 20 of the application form, a candidate has to give declaration that he/ she would not use any unfair means in the examination and if anything is found wrong or incorrect, his/ her candidature would be rejected. Thus, only conclusion which this Court can arrive at, in view of the law laid down by the learned Division Bench of this Court in the case of **Anil Kumar (supra)** and **Raj Kumar and others (supra)**, is that once a



candidate has given a wrong declaration in the application form, which cannot be substantiated by original documents, the same makes the candidature of such candidate itself invalid. In the present case as well, there is no dispute that the declaration made by the petitioner in the application form regarding her reservation category i.e. Backward Class category cannot be substantiated/ supported by the original/ requisite certificates, hence the candidature of the petitioner has rightly been rejected.

6. Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, I do not find any merit in the present petition, hence the same stands dismissed.

(Mohit Kumar Shah, J)

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AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	15.04.2021
Transmission Date	NA

