

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14205 of 2017

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Sumit Kumar son of Raj Kishore Yadav Resident of Village - Dumariya, P.O.
- Sadpur, P.S. - Sahebpur Kamal, District - Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Chairman, Central Selection Board of Constable, Driver Constable, Recruitment - 2016, having hi
5. The Director, Central Selection Board of Constable, Driver Constable Recruitment - 2016, having his
6. The Additional Director General of Police, Central Selection Board of Constable, Driver Constable R

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Indrajit Kumar
For the Respondent/s : Mr.Manish Kumar -Gp4

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 02-12-2021

Heard the learned counsels for the parties.

2. In the present petition, petitioner has prayed for
following reliefs:

“i. For issuance of Writ/Writs, Order/Orders, Direction/Directions in the nature of mandamus commanding the respondents, to immediately appoint the petitioner on the post of Driver Constable in Bihar police through Central Selection Board of Constable, Driver Constable Recruitment, whereby and where under the Respondent No. 4 and 5 have issued an advertisement and selection on the post of driver constable in which the petitioner



has been applied for the said post driver constable and the petitioner was selected in all the physical examination test as well as driving test but when the final merit list has been published by the Central Selection Board of Constable, Driver Constable Patna but the name of the petitioner has been deleted from the final merit list.

ii. For further directed the Respondent No. 5, The Director, Central Selection Board of Constable, Driver Constable Recruitment-2016, so that to immediately appoint the petitioner on the post of driver constable.

iii. For further it is prayed that during the pendency of this writ application may kindly directed the Respondent particular the Respondent No. 5 The Director, Central Selection Board of Constable, Driver Constable Recruitment-2016, so that one post may kindly be vacant for the petitioner during the pendency of the writ application because the petitioner has already be selected in all the test.

iv. For further any other relief/reliefs, order/orders, direction/directions, may deem fit and proper in the facts and circumstances of this case.”

3. The petitioner was a candidate for the post of Driver Constable pursuant to the advertisement. He has presented this petition as he was not selected. His candidature was required to be considered for the post under Non-Home Guard B.C. male category.

4. Learned counsel for the Respondent-Board, on



instruction, submitted that petitioner has secured 26% marks whereas the last candidate for the post of Non-Home Guard in BC male category has secured 31% marks. Therefore, the petitioner was not selected in terms of merit.

5. On the other hand, learned counsel for the petitioner submitted that there was a large number of vacancies. For one of the vacancy, petitioner could be accommodated.

6. Having regard to the State Policy that even assuming that posts are vacant, those vacancies were required to be carried forward to the next recruitment in the light of the Government Order issued in the year 1977 and from time to time further it was reiterated.

7. In the light of these facts and circumstances, the petitioner has not made out a case. Accordingly, the instant petition stands dismissed.

(P. B. Bajanthri, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	07.12.2021
Transmission Date	

