

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17195 of 2014

=====

Pramesh Kumar Son of Yadav Singh R/o Village - Khaira, P.S. - Sahar,
District - Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director General of Police, Bihar, Patna.
3. The Chairman District Selection Board, Bhojpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr.D.K. Sinha, AAG2

=====

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 29-11-2022 No one appears for the petitioner even in the second
round.

1. The petitioner by way of this writ petition prays as
under:-

*“(i) For issuance of an appropriate writ/
writs, order / orders, direction/ directions commanding
the respondents concern to appoint the petitioner on
the post of Police constable in the Bihar Police by
virtue of advertisement no. 1/2004 dated 08.02.2004 in
which the petitioner has qualified.”*

2. The petitioner already participated in the selection
process conducted in the year 2004 under the Advertisement
dated 08.02.2004. After having participated in the selection



process and remaining unsuccessful, the petitioner claims that he should be appointed against backlog vacancies which have been subsequently advertised treating them to be vacancies of the year 2004.

3. In **Municipal Council Delhi Vs. Surender Singh** 2019 (8) SCC 67 the Apex Court has held as under:

“Para 18: From a perusal of the said clause it is noticed that though under the very clause there are no cut-off marks specified, Clause 25 would, however, provide the full discretion to DSSSB to fix the minimum qualifying marks for selection. In the instant case, keeping in view that the recruitment was for the post of Assistant Teacher (Primary) and also taking note of the orders passed by the High Court in an earlier petition requiring the maintenance of minimum standards, DSSSB while preparing the select list had stopped the selection at a point which was indicated as the cut-off percentage. In a circumstance where Clause 25 was depicted in Advertisement No. 1/2006, when the private respondents herein and the other petitioners before the High Court were responding to the said advertisement, if at all they had a grievance that the clause is arbitrary and might affect their right ultimately since no minimum marks that is to be obtained have been



indicated therein, they were required to assail the same at that stage. On the other hand, despite being aware of the clause providing discretion to DSSSB to fix the minimum qualifying marks, they have participated in the selection process by appearing for the qualifying examination without raising any protest. In that circumstance, the principle of approbate and reprobate would apply and the private respondents herein or any other candidate who participated in the process cannot be heard to complain in that regard.”

4. Once the petitioner has participated in the selection process, he cannot turn around and say that the vacancies should be more or the post should have been more as advertised that time.

5. The writ petition has been preferred in 2014 relating to selection process of 2004. In the said circumstances, the writ petition is highly belated. On both counts, the writ petition fails and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

shaswat/-
Item No. 74

U			
---	--	--	--

