

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10679 of 2021**

=====

Sarita Kumari, Daughter of Sri Abhimanyu Yadav, Resident of Village - Mahkar, Post Office- Siur, Police Station- Roh, District - Nawada, Pin - 805107 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Chief Secretary, Home Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Home Department, Government of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Chairman, Central Selection Board (Constable Requirement), Bihar, Patna.
6. The Special Work Officer, Central Selection Board (Constable Requirement), Bihar, Patna.

... .. Respondent/s

=====

**Appearance :**

|                      |   |                                    |
|----------------------|---|------------------------------------|
| For the Petitioner/s | : | Mr. Ravi Raj, Advocate             |
| For the Respondent/s | : | Mr. Dhurendra Kumar, AC to GP- 5   |
| For the CSBC         | : | Mr. Sanjay Pandey, Advocate        |
|                      |   | Mr. Binod Kumar Mishra, Advocate   |
|                      |   | Mr. Vivek Anand Amritesh, Advocate |

=====

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**

**ORAL JUDGMENT**

**Date : 18-09-2023**

1. Heard learned counsel for the petitioner and learned counsel for the respondent-Board.

2. The petitioner has participated in the process of selection of 'Constable', pursuant to Advertisement No. 02/2019. It is the petitioner's self- assessed claim that she had secured 86 marks in the process. The claim is specified in



paragraph No. 7 of the writ petition, allocating marks, as per her own assessment with respect to the various events, in which she participated on the date of Physical Evaluation Test (PET). It is an admitted position that she belongs to Backward Class Category, which she has wrongly mentioned as Extremely Backward Class (EBC) in the online application form.

3. Learned counsel for the respondent-Board submits that the self-serving assessment based on which the petitioner claims 86 marks cannot enure to the petitioner's benefit. No such declaration of marks obtained by the petitioner has been placed on record.

4. He, however, submits that in view of the fact that wrong category has been mentioned, the petitioner's case is covered by Clause 9 and 10 of the Advertisement, which reads as follows:-

“(ix) अभ्यर्थी दसवीं/समकक्ष की बोर्ड परीक्षा के मूल प्रमाण-पत्र के आधार पर अपनी जन्म तिथि का सही-सही उल्लेख करेंगे। आवेदन-पत्र में अभ्यर्थी अपना नाम, पिता/पति का नाम, पता आदि सभी सूचनाएँ बिल्कुल सही-सही भरेंगे। प्रमाण-पत्रों से मिलान के समय यदि इनमें कोई भिन्नता पायी जाती है तो अभ्यर्थी की उम्मीदवारी रद्द कर जायेगी।



(x) आवेदन-पत्र में यदि आवेदक गलत आरक्षण कोटि प्रविष्ट करते हैं तो उनकी उम्मीदवारी रद्द कर दी जायेगी । अतः आवेदक पूर्णतः आश्वस्त हो लें कि वे किस वर्ग अथवा कोटि से संबंध रखते हैं।"

5. The petitioner was disqualified in terms of the advertisement, since she has mentioned a wrong reservation category.

6. On consideration of rival submissions, this Court finds that there is no declaration of 86 marks in favour of the petitioner by the respondent-Board. The petitioner cannot be granted any relief, let alone appointment based on her self serving assessment of marks. It is also an admitted position that she had mentioned wrong category, i.e., EBC instead of BC. As per the terms of advertisement, petitioner's candidature was thus liable to be cancelled.

7. Writ petition is thus devoid of merit, and the same is dismissed.

**(Madhuresh Prasad, J)**

Raj Kishore/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | N/A        |
| Uploading Date    | 05-10-2023 |
| Transmission Date | N/A        |

