

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18894 of 2013

Ramakant Pal

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bauye Jee Jha B.J. Jha
For the Respondent/s	:	Mr.Abhay Shankar Jha
For the CSBC	:	Mr. Sanjay Pandey, Advocate
	:	Mr. Binod Kumar Mishra
	:	Mr. Vivek Anand Amritesh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 23-01-2023 The petitioner participated in the Selection process as a non-category. In the selection he secured 147 marks. The cut-off marks of EBC non-Home-guard category was 147. However, as the number of posts were limited under the EBC non-Homeguard category and the last person who was selected on 147 marks but was higher in merit on account of being senior in age was selected and the petitioner was left out.

Learned counsel for the petitioner submits that the petitioner ought to have been considered and appointed but the petitioner was left out as on account of a senior candidate in age was selected.

I have considered the submission and reply to the writ petition, the respondent have stated as under para-14 of



respondent no.3 as under.

“That the petitioner being Extremely Backward Class Male Non Home Guard (EBC-M-NHG) category candidate has secured 147 marks and the cut off marks in his category is 147 marks. He has secured equal marks, i.e., 147 marks vis-a-vis the candidate who has been recommended on the ground of being senior in age. The date of birth of the last recommended candidate in his category is 15.05.1987 whereas the date of the petitioner is 01.07.1990. Therefore, the petitioner was not selected on the ground of being junior in age to the last recommended candidate in his category in terms of the Advertisement (Annexure-C).”

In view of above, it is apparent that the last recommended candidate in petitioner's category and the date of birth as 15.05.1987 and was thus elder to the petitioner. Since the principle of appointing a person elder in age, in the event of two persons having same merit, is being uniformly followed by the respondents; no interference thereto is required to be made.

The writ petition is devoid of merit and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Brajesh Kumar/-

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