

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19134 of 2015

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Chandra Bhuhan Chaudhary Son of Sri Trivani Narayan Chaudhary resident
of village - Palivar, P.O. Ranti, P.S. Rajnagar, District - Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chairman, Central Selection Board Constable Recruitment , Patna
3. The Member Secretary, Central Selection Board Constable Recruitment ,
Patna
4. The Director General - Cum - Commandant, Home Guard and Fire Services,
Government of Bihar, Patna
5. The Principal Secretary, Department of Home Police , Government of Bihar,
Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No. 13, Adv.
For the Respondent/s	:	Mr. Mithilesh Kumar Singh, AC to SC15
For the CSBC	:	Mr. Sanjay Pandey, Adv. Mr. Binod Kumar Mishra, Adv. Mir Vivek Anand Amritesh, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 22-09-2023

The present writ petition has been filed seeking the
following relief:-

“1(I). A writ of Certiorari setting aside the final
result of Constable Recruitment-2014 conducted
by Central Selection Board of Constable, as
contained in Annexure - 4, which was published
on 23/06/2015 in pursuance of Advertisement No.
01 of 2014 published by Central Selection Board
(Constable Recruitment), at Patna, for the post of
Constable.



(II) A writ of Mandamus directing the respondents concern to appoint the petitioner first against the vacancies in which this petitioner had qualified all test and examination for his appointment on the post of Constable, relation to Advertisement No. 01/2014 in which the petitioner had applied for his appointment, and has reason to believe that he secured higher marks than the other candidate(s), who was/were finally selected in Other Backward Class (O.B.C.) Gair Grih Rakshak Category.

(III) Writ of Mandamus commanding the respondent authorities concerned to declare afresh result of Constable Recruitment-2014 conducted by Central Selection Board of Constable, in view of the fact that the result was declared on the basis of erroneous and thereafter publish fresh result in conformity with the guidelines of Central Selection Board (Constable Recruitment).”

2. At the outset, the learned counsel for the Respondent-Central Selection Board of Constable, Bihar, Patna, has referred to paragraph no. 15 of the counter affidavit, filed in the present case, to submit that though the petitioner has secured 168 marks in the Extremely Backward Class Male Non Home Guard (EBC-M-NHG) category, which is equal to the marks of the last selected candidate, however, since as per the prevailing Rules as also in consonance with the terms and conditions mentioned in



the advertisement, in case two or more candidates obtain equal marks, then their position in the merit list is required to be fixed on the basis of their date of birth and the candidate, who is senior in age, is to be recommended for selection, hence the petitioner, being junior in age has not been recommended for selection.

3. The aforesaid aspect of the matter has not been refuted by the petitioner, inasmuch no rejoinder affidavit has been filed.

4. Having regard to the facts and circumstances of the case, this Court finds that as per the terms and conditions of the advertisement, in case of a tie, the candidate, senior in age, is to be recommended, hence, the petitioner, who is junior in age, has rightly not been recommended for selection, thus, there is no infirmity in the decision taken by the Respondents, therefore, the present writ petition stands dismissed, being bereft of any merit.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.9.2023
Transmission Date	NA

