

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.586 of 2021

1. Bablu Kumar Kushawaha @ Bablu Kushawaha S/o Birbal Kushawaha. R/o Village-Shivadutt Chhapiya, P.O. and P.S. Bhatni, District-Deoria, U.P. Pincode-274701. Roll No. 50020428
2. Sriram S/o-Aychaubar R/o Village and P.O.-Nonapar, District-Deoria, U.P. Pincode-274701. Roll No.50020845
3. Kundan Kumar Prasad S/o-Yogendra Prasad R/o Village and P.O.-Nonapar, District-Deoria, U.P. Pincode-274701. Roll No.50020847
4. Bijesh Kumar Kushawaha @ Bijesh Kumar S/o-Satyanarayan Kushawaha R/o Village Ekdanga, P.O. and P.S.-Bhatni, District-Deoria, U.P. Pincode-274701. Roll No.50010543
5. Balawant Kushwaha S/o-Sita Ram Kushawaha, R/o Villagejigana Dikchit, P.O.and P.S.-Bhatani, District-Deoria, U.P. Pincode-274701. Roll No.50020321

... .. Petitioner/s

Versus

1. the East Central Railway through the General Manager at Hajipur, District-Vaishali
2. The Inspector-General-Cum- Principal Chief Security Commissioner, Railway Protection Force, East Central Railway at Hajipur, District-vaishali
3. The Deputy Inspector General-Cum- Principal Chief Security Commissioner, Railway Protection Force, East Central Railway at Hajipur, District-Vaishali
4. The Additional Security Commissioner-Cum-Staff Officer, Railway Protection Force, East Central Railway at Hajipur, District-Vaishali
5. The Commandant, Railway Protection Force, East Central Railway at Hajipur, District-Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate
For the Respondent/s : Mr.Kumar Priya Ranjan, CGC

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 06-07-2023 It is not in dispute that the petitioners' claim in the process of selection arising out of advertisement No. 01 of 2016 for recruitment of Constable (Band) in Railway Protection Force/Railway Protection Special Force, is squarely covered by



decision of this Court dated 25.02.2020 passed in CWJC No. 1061 of 2020.

This Court in the said decision has dismissed the writ petition by taking note of the facts and circumstances, which are identical to that of the instant petitioners, which reads as follows:

"The petitioners with open eyes have participated in this process pursuant to and in accordance with the corrigendum without raising any objection or challenge to the corrigendum. On being declared unsuccessful the petitioners are estopped and cannot be permitted to contend that by preceding the Trade Test before the document verification as per corrigendum issued in December, 2018, respondents have allowed those to appear who otherwise could have been disqualified in the process of document verification.

The petitioners had an opportunity for about nine months to assail the corrigendum, which was based on the instruction issued by the Railway Board under which the initial advertisement had been issued, which they have not done. On the contrary they have participated in the process as per the corrigendum. This Court would therefore observe that now the petitioners cannot be permitted to challenge the process of selection as per corrigendum, on being declared unsuccessful.

Regarding the other submission that only 148 candidates have been declared successful, this Court would observe that the authorities have clearly



specified that 802 persons participated. Only 148 could be declared successful as others were disqualified in the process. Question of appointing more persons therefore does not arise as there was only 148 successful candidates.

Lastly petitioners' Counsel has made a desperate submission that certain candidates were allowed to participate in the Trade Test by playing Harmonium and Mridang though such instruments were not contemplated in the process of selection. The same has been denied by the respondent authorities in their counter affidavit. No rejoinder or reply has been filed thereto by the petitioners though counter affidavit was served much earlier. This Court would therefore accept the uncontroverted stand of the respondents in the counter affidavit.

The writ petition is devoid of merit and the same is dismissed"

There being no dispute regarding the petitioners' case being covered by decision in CWJC No. 1061 of 2020 which was dismissed, the instant writ petition is also dismissed.

(Madhuresh Prasad, J)

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