

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4562 of 2018

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Deepak Kumar Son of Satendra Sharma, Resident of Village and P.O.-
Pitwansh, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

1. The Union Of India
2. The Chairman, Staff Selection Commission, Allahabad.
3. The Regional Director, Staff Selection Commission, Allahabad.
4. Directorate General, C.R.P.F. Block No. 01, C.G.O. Complex, Lodhi Road,
New Delhi- 110003 under the

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate
For the Respondent/s : Mr. Awadhesh Kumar Pandey, Sr. CGC

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 26-09-2023 Heard the parties.

2. The present writ petition has been preferred for the
following reliefs:-

*(i) for issuance of a writ in the nature of
mandamus or any other appropriate writ, order or
direction commanding upon the respondents to include
the name of the petitioner in final selection list published
on 2.2.2017 for recruitment to the post Constable (G.D.)
in CAPFS, NIA, SSF & Rifleman (G.D.) in Assam Rifles,
2015 as the petitioner has secured 68 marks in written
exam and qualified for medical exam held on 04.10.2015
by Staff Selection Commission, in addition to 19 marks in*



Part-A published in list-II (additional for Naxal/Militancy districts) in general category (g), which is much higher than the cut off fixed for the state of Bihar i.e. 63 marks unreserved category for under Naxal/ Militancy affected areas, and prior to that has already successfully qualified Physical Efficiency Test (P.E.T) and Physical Standard Test (PST) held earlier on 02.06.2016;

(ii) for holding that the act of respondents by not including the name of petitioner without assigning any reason in final selection list for recruitment to the post of constable (G.D.) is arbitrary, unreasonable not sustainable in the eye of law.

3. A counter affidavit on behalf of the respondent nos. 2 and 3 is on record and paragraph 11 and 12 read as follows:-

11. that is is stated that as per mark list and write up dated 06.02.2017, the marks obtained by the petitioner i.e. 68.00 were less than the marks obtained by the last selected candidates of his respective category (Bihar State, Nazar Ara, UR Category) i.e. 69. Hence the petitioner failed to find place in the list of recommended candidates due to his low merit in his respective category (Bihar State, Naxal Area, UR Category). The details of



marks obtained by the petitioner, cut off marks & reason of non-selection of the petitioner are as follows:

S.No.	Name	Roll No. & Cat	Code & State	Med Result	Marks	Minimum cut off marks in State code 05 Bihar	Preference opted
1.	Deepak Kumar	3206033869	05 (Bihar)	FIT	68.00	69.00	Not selected due to less marks than the cut off in UR male category

The details of marks obtained by the petitioner, cut off marks are annexed as Annexure-1.

12. That it is stated that the details of mark of last candidate for the State wise vacancies allotted to State Code 05 (Bihar) under the jurisdiction of Central Region Office of State Selection Commission, Allahabad is given below.

State Code	Name	SC	ST	OBC	UR
05	Bihar (General Area)	60 (15)-CRPF	72(23) CRPF	73(20) CRPF	75(20) CRPF
05	Bihar (Naxal Area)	51 (16)-CRPF	68 (22) CRPF	68 (19) CRPF	69 (19) CRPF
05	Bihar (Border Area)	59 (15)-SSB	69 (19) SSB	66(20) SSB	71 (20) SSB
34	UP (General Area)	68 (21)-CRPF	68(23) CRPF	76(21) CRPF	77 (23) CRPF
34	U.P. (Nazal Area)	54 (15)-BSF	64 (22) CRPF	64 (15) CRPF	69 (16) CISF
34	U.P. (Border Area)	64 (19)-SSB	65 (21) SSB	71 (23) SSB	73 (18) SSB

4. From the facts it is clear that while the petitioner secured 68 marks, the cut off for Bihar (Naxal Area) under the unreserved category was 69 and as such, though the petitioner missed the bus by only one mark, no relief can be granted to him.



5. The petitioner as also any other eligible candidate in future vacancy always have the liberty to appear and get selected.

6. So far as this writ petition is concerned, nothing remains, is accordingly dismissed.

(Rajiv Roy, J)

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