

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11306 of 2012

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Arbind Kumar Singh S/O Sri Ramadhar Singh R/O Village- Sonbarsa,
Police Station- Belaon, District- Kaimur Bhabua

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Deputy Inspector General Of Police Champaran Range, Betia,
District- West Champaran
3. The Superintendent Of Police, Betia, District- West Champaran
4. The Superintendent Of Police, Motihari, Distt.- East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Onkar Kumar, Adv.
: Mr. Mukesh Kumar Singh, Adv.
For the Respondent/s : Mrs. Vijaya Laxmi Srivastava, AC to SC-23

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-12-2023 Heard Mr. Onkar Kumar, learned counsel for the

petitioner and Mrs. Vijaya Laxmi Srivastava, learned A.C. to SC-23

appearing for the State.

2. The present writ application has been filed seeking
direction upon the respondents to consider the case of the
petitioner for his appointment to the post of Constable vide
advertisement No. 01 of 2004 issued by the Champaran Range,
Sipahi Board with all consequential benefits.

3. Pursuant to the advertisement No. 01 of 2004, the
petitioner has applied for the post of Constable and accordingly
the petitioner was allotted roll No. 24564 and thereafter physical
test was held at Bettiah and the petitioner was declared



successful in the physical test. On the basis of result of the physical test, some of the candidates were appointed but the petitioner was not considered for the appointment. Thereafter, number of candidates like the petitioner moved before the Hon'ble Court and the matter has traveled to the Division Bench of this Court vide L.P.A. No. 831 of 2019 which was disposed on 28.06.2011. Pursuant to the direction of the Hon'ble Court, the Police Headquarters vide memo No. 489/P-3 dated 04.11.2011 issued direction to publish the waiting list of different categories of the candidates. Thereafter, waiting list was prepared and published in the daily newspaper indicating roll numbers according to seniority fixing the date of counseling as 13.04.2012. The petitioner belongs to the general category but his roll number was not published in the newspaper. The petitioner, thereafter, has filed an RTI application before the Superintendent of Police, East Champaran, Motihari but neither the information, as sought for, by him has been furnished to the petitioner nor his case for appointment has been considered.

4. A counter affidavit has been filed on behalf of the State inter alia stating that the petitioner was participated in the selection process and admittedly he has passed the physical test but as per the master-chart prepared in the selection procedure, he has secured only 7 marks in physical test, but the last cut off marks in general category to which the petitioner belongs was



14, as such, the marks obtained by the petitioner are much below to the minimum required marks for appointment in his category. Therefore, the petitioner declared unsuccessful for appointment and there is no vacancy existing to be filled in his category.

5. Relying upon the aforesaid facts, the learned counsel for the State submits that the petitioner has got no cause of action warranting interference of this Court.

6. Taking note of the stand of the State as well as the material fact available on record, this Court is of the view that since the petitioner has failed to secure the last cut off marks of 14 in his category and, accordingly, declared unsuccessful for the appointment on the post of Constable, the petitioner has failed to make out a case for appointment on the post of Constable and no cause of action arisen warranting interference of this Court. Hence, this writ application is dismissed being devoid of merit.

(Rajesh Kumar Verma, J)

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