

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1791 of 2018

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Diwakar Yadav @ Diwakar Kumar Son of Ram Prakash Yadav Resident of
Village- Dalhata, Kumari Toli, Basudevpur, P.S. Basudevpur, District-
Munger- 811801

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Central Selection Board of Constable (Kendra Chayan Parshad (Sepahi Bharti), Sepahi Bharti, Sri Sayeen Tara Complex, IAS Colony, Jawaharlal Nagar Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Dr. Chandrashekhar Azad, Advocate
For the State	:	Mr. AC to Ga4
For the C.S.B.C.	:	Mr. Sanjay Pandey, Advocate
		Mr. Binod Kumar Mishra
		Mr. Vivek Anand Amritesh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-01-2023 This writ application has been filed for following
reliefs:-

“(i) For issuance of mandamus directing the respondent authorities to bring the record for the selection process (CD), whereby and whereunder the appointment of the petitioner on the post of Driver was held and the appointment letter has not been issued to this petitioner, who is otherwise eligible for the appointment on the post of Driver.

(ii) For issuance of direction to the respondent authorities to appoint the petitioner, for which, total vacancies



were 1577, out of which, the vacancies are available for the post of Driver and the matter of this petitioner is before the authorities concerned for the appointment on the post of Driver.”

It is submitted on behalf of petitioner that pursuant to requisition, the Central Selection Board on 25.08.2016 published an advertisement, vide Advertisement No. 01/2016, for recruitment of 1577 posts of Driver Constables inviting applications from the suitable candidates for the said post till 28.09.2016. The petitioner, being eligible, applied for his appointment for the post of Driver and accordingly, Admit Card was issued to him by the Board and in terms of the said Admit Card, petitioner appeared and qualified in the said test. Thereafter, on proper verification of educational qualification and driving licence, the petitioner appeared for vehicle driving test on 05.06.2017 and became successful in the driving test. It is further submitted that petitioner has also annexed a certificate issued by the Chairman of the District Teachers Appellate Authority, Nalanda, Bihar Sharif stating therein that petitioner is driving his car from 05.06.2011 till date and his behaviour & character are excellent as also he is competent Driver (Annexure 5). In spite of being successful, petitioner has not been



appointed on the said post by the respondent authorities. It is next submitted by learned counsel for the petitioner that out of 50 marks, the cut off marks was fixed as 31 by the authority concerned and it is the case of the petitioner that he obtained 10 marks for successful driving test of Bus/Truck, 10 marks for driving test of small car and 10 marks in the Interview Board, total of which comes to 30 marks and cut off marks was fixed as 31. In spite of that petitioner has not been appointed on the post of Driver and therefore, this petitioner has approached this Court for redressal of his grievance.

On the other hand, a counter affidavit has been filed on behalf of respondent no. 4/Central Selection Board and in paragraph – 12, it is stated that petitioner has secured 30 marks and the cut off marks is 31 in his category i.e. BC-M-NHG.

Learned counsel appearing on behalf of respondent no. 4 submits that vide Memo no. 08 dated 22.08.2017, the Board has sent the recommendation of successful candidates to the concerned authorities for appointment on the post of Driver Constable and thereafter, all the appointments have been made by the concerned authorities. Thus, the selection process is over. He further submits that so far as experience certificate of petitioner, which was issued by the Chairman of the District



Teachers Appellate Authority, Nalanda, Bihar Sharif is concerned, the driving experience of Drivers were given marks for work experience and therefore, petitioner is not eligible for the said post. He further submits that out of 1577 vacancies of Driver Constable, 1526 have been filled up and rest 51 vacancies of 3% Backward Class Women Category have remained unfilled due to unavailability of suitable candidates.

The aforesaid contention of the respondent authorities has not been disputed or challenged by the petitioner till date.

In view of materials available on record and the counter affidavit filed on behalf of respondent no. 4/Board, this writ petition has no merit and same is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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