

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.852 of 2023

=====

Srinath Pandit Son of Bindeshwari Pandit Resident of Village- Sewa, P.O.-
Sewa, P.S.- Gidhaur, District- Jamui.

... .. Petitioner

Versus

1. The Union of India through the Secretary, Home Department, New Delhi.
2. The Director General, Central Reserve Police Force, CGO Complex, Lodhi Road, New Delhi.
3. The Deputy Director, Staff Selection Commission, Central Region, Ludar Road, Allahabad.

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.Tuhin Shankar, CGC

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-04-2023 No one appears on behalf of the petitioner to press
this writ application.

Mr. Tuhin Shankar, learned counsel for the Union of
India and the Central Reserve Police Force is present.

Petitioner in the present case has prayed for the
following reliefs:-

“i) For direction to the respondent
authorities to select the petitioner on the post
of Constable who passed the PST/PET and
Medical Examination of qualifying nature and
also passed the Written Examination in which
the petitioner got 59 marks where as one Rahul
Kumar got 58 marks but Rahul Kumar was
placed in the merit list prepared on the basis of
marks obtained by the candidates and the
petitioner has been weeded out from the merit



list and as such the action of respondents is quite illegal, arbitrary and malafide.

ii) For grant such other order(s) as your lordships may deem fit and proper in the facts and circumstances of the case.”

From the narration of the facts present on the record, it appears that the petitioner had participated in the selection process initiated for appointment of General Duty Constables (GD Constables). The advertisement was published on 24.01.2015. The merit list of the male candidates was prepared vide Annexure ‘5’ to the writ application (undated). It is the case of the petitioner that he has secured total 59 marks but he was not selected whereas one Rahul Kumar (Roll No. 3201016461) who got 58 marks out of 100 marks has been placed in the merit list. It is stated that the candidates who got less marks than the petitioner have been selected and placed in the merit list and this Hon’ble High Court directed the respondents to consider the claim of the writ petitioner in CWJC No. 4547 of 2017 (Pintoo Kumar Singh and Others versus The Union of India and Anr.) and analogous cases disposed of on 05.04.2018.

Mr. Tuhin Shankar, learned counsel for the Union of India has opposed this writ application.

It is stated that from the record itself it is clear that the selection process was initiated in the year 2015 and the



result was also published immediately after holding of the written examination on 04.10.2015. It is submitted that the petitioner does not claim that any person having less marks than the petitioner has been appointed. All that is said about one Rahul Kumar is that he was having less marks than the petitioner but was placed in the merit list. This is nothing but a vague statement.

Learned counsel further submits that so far as CWJC No. 4547 of 2017 is concerned, in the said case the writ petitioners had approached this Court by filing writ application in the year 2017 with a complaint that during the course of selection process, the cut-off marks have been changed, out of the total number of selected candidates some of them have been kept under the suspected list and in some cases such candidates have been kept under the mismatched category on account of detection of difference in signature/ handwriting/ L.T.I. A prayer was made that the vacancies arising out of mismatch category should be filled up from the merit list. In the said context, this Court examined the grievances of the petitioner and found that none of the petitioners claimed that any candidate having lesser marks than him had been appointed. This Court



directed the respondents to consider the claim of the writ petitioners for appointment on the post of constable against the mismatch/ left-over vacancies within a period of thirty days without resorting to the principle that since the writ petitioners have secured lower marks than the marks obtained by the last selected candidate, they cannot be appointed. At the same time, this Court observed that the respondents should not compromise on merit and the minimum standard so prescribed by them. It was further held that the decision taken by the Apex Body of the Central Staff Selection Commission/ Staff Selection Commission shall be final and would not be amenable to challenge in writ proceedings under Article 226/ 227 of the Constitution of India.

Learned counsel submits that so far as the present case is concerned, it has been filed on or about 18.01.2023 in respect of the selection process which was undertaken in the year 2015.

Having regard to the materials available on the record and the submissions made on behalf of the Union of India, this Court finds that the writ application suffers from vice of delay and laches. There is no explanation much less any plausible explanation in the writ application to satisfy this Court as to why the petitioner has moved this Court after about seven and



half years from the date of publication of the result in the year 2015. This Court further finds that it is not the case of the petitioner that any person having less marks than him has been appointed. The statements made with regard to one Rahul Kumar is only to the extent that he had secured 58 marks, still his name has been placed in the merit list. It is well settled that by merely getting his/her name in the merit list, one does not acquire an indefinable right to get appointment. So far as the judgment of the learned Coordinate Bench rendered on 05.04.2018 in CWJC No. 4547 of 2017 is concerned, the same has been rendered in respect of those who had moved this Court raising grounds as has been taken note of in the order hereinabove.

In this case, there is no such pleadings. In such circumstance, this writ application has no merit, it is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

tusharika/-

U			
---	--	--	--

