

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2986 of 2020

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Alok Kumar, Son of Sri Naresh Singh, Resident of Village-Tetia Bambar,
Police Station-Tetia Bambar, District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Central Selection Board of Constable, Bihar, Patna through its Chairman, Block-A/626, 6th Floor, Sardar Patel Bhawan, Jawahar Lal Nehru Marg, Patna-23.
3. The Chairman, Central Selection Board of Constable, Bihar, Patna, Block-A/626, 6th Floor, Sardar Patel Bhawan, Jawahar Lal Nehru Marg, Patna-23.
4. The Secretary, Central Selection Board of Constable, Bihar, Patna, Block-A/626, 6th Floor, Sardar Patel Bhawan, Jawahar Lal Nehru Marg, Patna-23.
5. The Officer on Special Duty, Central Selection Board of Constable, Bihar, Patna, Block-A/626, 6th Floor, Sardar Patel Bhawan, Jawahar Lal Nehru Marg, Patna-23.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Singh, Advocate Mr. Moni Shankar Kumar, Advocate
For the State	:	Mr. Md. Nadim Seraj (GP5) Ms. Shalini, AC to GP-5
For the CSBC	:	Mr. Sanjay Pandey, Advocate Mr. Binod Kumar Mishra, Advocate Mr. Vivek Anand Amritesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 07-12-2023

Heard learned counsel for the petitioner, learned counsel for the State, and learned counsel for the Central Selection Board of Constable, Bihar, Patna.

2. The present writ petition has been filed for directing the respondent authorities to select and appoint the petitioner to the post of constable under Advertisement



No.01/2019, as the petitioner has been declared successful in the written examination as well as in the physical eligibility test, but not find a place in the final selection list and other consequential reliefs.

3. Learned counsel for the petitioner submits that the petitioner has passed the Matriculation Examination in the year 2011 from the Bihar School Examination Board, Patna, and Intermediate examination in the year 2013 from B.M. College, Haveli Kharagpur, Munger in Arts. The petitioner belongs to 'Dhanuk' caste which comes under the category of extremely backward class. Advertisement No.01/2019 was published for the appointment of 902 Forest Guards in the Environment, Forest and Climate Change Department, Govt. of Bihar. The petitioner applied for the said post and subsequently, he was issued an Admit card to appear in the written examination. The petitioner appeared in the said written examination and having been qualified in the said examination, he was called for the physical eligibility test. The petitioner appeared in the physical eligibility test for medical in which he was declared successful, but in the final selection list, his name could not find a place.

4. Learned counsel for the petitioner further submits that the Central Selection Board has published the Model



answers and the petitioner has calculated his marks to be 282. He further submits that the cut-off mark in his category was 276 whereas the petitioner, as per his self-assessment, secured 282 marks even then his selection had not been made.

5. A counter affidavit has been filed by the Central Selection Board of Constable wherein a categorical stand has been taken that the petitioner has secured lesser marks than cut-off marks and his category i.e., EBC-M. The petitioner has secured 274.67 marks and the cut-off mark in his category is 276. He further submits that the Central Selection Board published the final result on 22.11.2019 declaring 879 candidates successful out of 902 under Advertisement No. 01/2019. 23 vacancies remained unfilled due to the non-availability of suitable Backward Class Lady candidates.

6. Learned counsel for the State submits that the State is the formal party and at this level, the real contest is only between the petitioner and the Central Selection Board.

7. In light of the pleadings made by the parties, it transpires to this Court that getting 282 marks is the self-assessment of the petitioner. According to the Central Selection Board, the clear stand has been taken that the cut-off mark in the category of the petitioner is 276 whereas the petitioner got only



274.67 marks, hence, he could not be selected.

8. In this background, this Court finds no merit in the writ petition. Accordingly, the same is dismissed.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	18/12/2023
Transmission Date	NA

