

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2155 of 2019

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Dinesh Prasad Son of Baliram Prasad Resident of Village- Fakharpur, P.S.-
Arwal, District- Arwal

... .. Petitioner/s

Versus

1. The State Of Bihar through
2. The Director General of Police, Patna
3. Central Selection Board (Constable Recruitment) Bihar, Patna through its
Chairman
4. The Secretary Central Selection Board (Constable Recruitment), Bihar,
Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Narain Yadav, Advocate
For the Respondent/s	:	Md. N.H. Khan, SC-1
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 HARISH KUMAR
ORAL JUDGMENT

Date : 18-11-2024

Heard the parties.

2. The petitioner prays for issuance of writ in the nature of mandamus directing the concerned respondents to allow the petitioner to appear for Driving Efficiency Test and to consider his case for appointment to the post of Fireman Driver/Driver Constable in Bihar Police, pursuant to Advertisement No. 01/2018, published by Central Selection Board (Constable).

3. Pursuant to Advertisement No. 01/2018, published by Central Selection Board (Constable) for recruitment of 969 Fireman Driver and 700 Driver Constable, the total of which



comes to 1669 posts, the petitioner applied for his recruitment for both the posts online. It is the admitted position that the petitioner submitted his application form under the BC (Male) None Home Guard category. The contention of the petitioner, as recorded in the writ petition, clearly demonstrate that the category submitted in the application was done under the wrong impression that the caste *teli* comes under BC category. It is further averred that in Central Government Services, there is no reservation category like BC or EBC, rather it is only OBC. But the mistake was a *bona fide* and not intentional. In the aforesaid premise, the petitioner approached before this Court for a direction to consider his case for appointment to the post, aforenoted.

4. A counter affidavit has been filed on behalf of the Central Selection Board of Constable. Learned Advocate for the Board drawing the attention of this Court to the Advertisement, the copy of which is placed on record as Annexure-A, has contended that the prescription of the advertisement clearly demonstrates that in case any of the candidate fills up a wrong category of reservation, in such circumstances, his candidature shall be cancelled. It is made clear that the candidates must be verified before submission of the reservation category.



5. Learned Advocate for the Board further submitted that identical issue has come up for consideration before the learned Division Bench of this Court in LPA No. 1276 of 2012, wherein the learned Court refused to interfere in the order passed by the learned Single Judge in CWJC No. 1953 of 2011. The learned Single Judge did not find any fault when the candidature of the petitioner was rejected due to mismatch in application form data with original documents. Reliance has also been placed on a judgment passed by the learned Single Judge in the case of **Kavita Kumari Vs. The State of Bihar and Ors.**, (CWJC No. 15296 of 2022). The Court having considered the relevant provisions of the terms of the advertisement, as also the decision of the different Benches, have concluded in paragraph no. 7, as follows:

*“7. Having regard to the facts and circumstances of the case, this Court finds that the present case is a case of category mismatch, inasmuch as the petitioner had mentioned her reservation category in her application form as backward class, however, at the time of verification of documents, she could not produce Backward Class Category Certificate, thus her candidature has rightly been disqualified. The present case is squarely covered by the judgment rendered by the learned Division Bench of this Court in the case of **Anil Kumar** (supra) as also by the one rendered by this Court in the case of **Jyoti Jaiswal** (supra), hence, this Court finds that there is no merit in the present writ petition.”*

6. Having considered the submissions advanced as



also after going through the decisions rendered by the learned co-ordinate Bench, this Court does not find any merit in the present writ petition.

7. Accordingly, the writ petition stands dismissed.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
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