

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7720 of 2018

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1. Sushil Kumar Chaubey @ Shushil Chaubey and Ors Son of Muni Lal Chaubey, Resident of Village- Kir Kala, Police Station- Sonahan, District- Kaimur at Bhabhua.
 2. Gorakh Nath Pandey, Son of Singheshar Pandey, Resident of Village- Suryapur, Police Station- Belaon, District- Kaimur at Bhabhua,
 3. Akbari Khatoon, Daughter of Rafiullah Khan, Resident of Village- Biur, Police Station- Chainpur, District- Kaimur at Bhabhua.
 4. Randhir Kumar, Son of Late Ram Jatan Mahraj, Resident of Village- Mirzapur, P.O.- Rukunpur, Police Station- Didarganj, District- Patna.

... .. Petitioner/s

Versus

1. The Central Selection Board Constable Recruitment and Ors
2. The Chairman of the Central Selection Board Constable Recruitment, Patna.
3. The Secretary of the Central Selection Board Constable Recruitment, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Director General of Bihar, Home Guard Battalion, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar
For the Respondent/s	:	Mr.Md.Nadeem Seraj -Gp5
For the C.S.B.C.	:	Mr. Sanjay Pandey
		Mr. Binod Kumar
		Mr. Vivek Anand

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 13-05-2024 Heard learned counsel for the petitioners and counsel
for the Central Selection Board Constable Recruitment

2. The present writ application is filed for modifying the column no. 4 of the advertisement no. 01/2017 published by the Respondent No. 1, so far, it relates to the training certificate of Home Guard category candidates and to treat it as 30.08.2017 i.e. last date of submission of application form in place of



01.06.2017 and as a consequence, place the petitioners in the list of finally selected candidates for the post of constables under the Home Guard category.

3. Learned counsel for the petitioners submits that the advertisement was made in the year 2010 for the recruitment on the post of Home Guard in all Districts of Bihar as per the amended Rule of 2009. Counsel submits that the petitioner has requisite qualifications and they are physically fit. He submits that Petitioner No. 1, 2 and 3 are enrolled as Home Guard in the District of Kaimur and the Petitioner No. 4 was enrolled as Home Guard in District of Patna. He further submits that after enrollment as Home Guard on 01.01.2011, the petitioners were not sent for training at the Central Training Centre of Bihar Home Guard Battalion, Bihta, Patna. He submits that after 7 years of enrollment as Home Guard, the petitioner and others well rest for training in the Month of March, 2017 from their concerned District Authorities and after completion of the basic training, a training certificate was also issued on 04.07.2017 by the commandant of the Central Training Centre, Bihar Home Guard Battalion, Bihta, Patna. Counsel submits that Advertisement No. 1 of 2017 was published in the month of July by the Respondent No. 1 for selection and appointment on the



total 9900 posts of constable (General Duty), the 50% posts were reserved for the Home Guard Category Candidate. The applications were invited online and the initial date of application was 31.04.2017 and last date was 30.08.2017. Column 4 of the said advertisement deals with the cut off date for the date of birth, training certificate for Home Guard etc. He further submits that as per the advertisement, the cut off date for Home Guard training certificate was ought to be issued upto 01.06.2017, but in case of the petitioners, it was issued latter on by the respondent authorities for which petitioners are not responsible. Counsel submits that petitioners have appeared in the written test and became successful. He submits that petitioners were called for physical efficiency test on different dates and they participated and declared successful in the same but their result could not be published finally only due to the reason that their certificate was of latter date and not upto 01.06.2017. Thereafter, the petitioner has challenged the said Column 4 of the advertisement before this Court by way of filing the writ petition. He submits further that normally, the last date of submission ought to have been the date of fulfilling all the eligibility criteria, but here in the present case, the Central Selection Board has fixed the criteria prior to the date of



publication given which is not in accordance with law.

4.Learned counsel for Central Selection Board Constable Recruitment appeared and submits that it is a unique situation in which petitioners have participated in the selection process by virtue of the advertisement and after entering into the selection process, they have subsequently challenged one of the clause of the advertisement. He further submits that it has been mentioned at two places i.e Clause-4 and Clause-20 that prior to filling up the form, the candidates must assure that they obtain certificate of Home Guard upto 01.06.2017, but even then, the petitioners opted to appear in the process of advertisement, and subsequently, challenging the same for amending in the process may not be considered. Learned counsel for the Board has filed counter affidavit and in the counter affidavit, it has also mentioned that this advertisement is of 2017, the final result has been published on 11.06.2018 in which 9839 candidates have been declared successful in total of 9900 vacancies. Counsel specifically submits that 31 vacancies remained vacant due to non-availability of Gorkha Candidate. He further submits that subsequently, after finalization of the result, the Board vide Memo No. 877 of 13.06.2018 sent the recommendation of successful candidates to the concerned authorities for



appointment on the post of constable, as such, there is no case of the petitioners to consider their case.

6.In the light of the submissions made by the parties, it transpires to this Court that there is no need of any interference. Hence, this writ petition stands dismissed

(Dr. Anshuman, J)

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