

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17744 of 2021

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Santosh Arjun Kamble Son of Arjun Tayappa Kamble, Resident of Warnali
North Pachshil Nagar, Sangli, Maharastra- 416416.

... .. Petitioner/s

Versus

1. The Union of India through Ministry of Railway.
2. The East Central Railway, Hajipur through its General Manager.
3. The Inspector General-cum-Chief Security Commissioner, East Central Railway, Hajipur.
4. The Nodal Officer, Recruitment of Constable (Band), East Central Railway, Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Anjani Kumar Jha, Adv.
For the Respondent/s	:	Mr.Ramadhar Shekhar (Addl S. C. Railway)
For the Railway	:	Mr.Kumar Priya Ranjan, CGC
		Mr.Sandeep Kumar, Adv.
		Mr.Vibhuti Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 21-02-2024

1. The present writ petition has been filed seeking the following relief(s):-

“1. For issuance of writ in the nature of Mandamus for commanding the respondents to appoint the Petitioner on the post of Constable (Band) in Railway Protection Force/ Railway Protection Special Force which is advertised through Employment Notice No.01/2016, alternatively Respondents may be directed for document verification afresh.”

2. At the outset, the learned counsel for the petitioner has



submitted that though the petitioner had qualified/passed all the examinations conducted by the respondents, however, on account of the petitioner having not produced 2 years' Experience Certificate, as provided for in the advertisement and instead having produced 6 months' Experience Certificate, the candidature of the petitioner has been disqualified. The learned counsel for the petitioner submits that though the petitioner had not completed 2 years' experience, at the time of filling of form i.e. upto the cut off date, mentioned in the advertisement, however, at the time of certificate verification, held after approximately 1½ years, he had completed the experience of 2 years, hence a sympathetic view be taken.

3. Per contra, the learned counsel for the respondents has submitted, by referring to the counter affidavit, filed in the present case that the petitioner had submitted Training Certificate, issued by the Maharashtra State Indian Scout, Mumbai, dated 15.02.2010, in which his experience has been shown to be only 6 months, which is less than the eligibility criteria and moreover, the certificate which has been annexed at page no.37 of the writ petition also does not contain any date, hence the genuineness of the same is also doubtful. In any view of the matter, it is submitted that the law in this regard is no



longer res integra inasmuch as the same has been decided by co-ordinate Benches of this Court, vide order dated 25.02.2020, passed in C.W.J.C. No.1061 of 2020, vide judgment dated 21.03.2022, passed in C.W.J.C. No.110 of 2021 and vide order dated 23.03.2022, passed in C.W.J.C. No.2491 of 2021.

4. At this juncture, it would be relevant to reproduce the relevant eligibility criteria mentioned in the advertisement dated 12.03.2016, wherein the last date for receipt of off line application has been stipulated as 11.04.2016, hereinbelow:-

“13. VERIFICATION OF ORIGINAL DOCUMENTS AND FORMAT OF CERTIFICATES

[a] Matriculation/ High School Examination Certificate or Equivalent Certificate (Proof of Date of Birth and Matriculation Qualification)

[b] Caste Certificate for SC/ST- Annexure-‘B’ wherever applicable

[c] OBC self declaration by the candidate- Annexure- ‘C’ wherever applicable

[d] Caste Certificate for OBC- Annexure- ‘D’ wherever applicable

[e] NOC for serving employees/ Ex-Servicemen

[f] Certificates relating to NCC/Sports or claiming Bonus marks.

[g] Discharge Certificate for Ex-Servicemen.

[h] Domicile Certificate wherever required.

[i] Two years experience certificate on specified



musical instrument.”

5. Having regard to the facts and circumstances of the case and considering the fact that the petitioner had not submitted the requisite Experience Certificate, showing that he was possessing 2 years’ experience at the time of filling of the application form, as also in light of the law laid down by the co-ordinate Benches of this Court, as aforesaid, this Court finds that admittedly, the petitioner did not fulfill the eligibility criteria, hence he has been rightly disqualified.

6. Accordingly, the present writ petition stands dismissed being bereft of any merit.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.03.2024
Transmission Date	NA

