

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10647 of 2012

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Gautam Kumar Ram Son Of Upendra Ram Resident Of Village- Ahiyapur
Takiya, P.S. Mansoorchak, District- Begusarai Petitioner/s
Versus

1. The Union Of India through the Secretary, Department of Home Affairs, Govt. Of India, New Delhi.
2. The Secretary, Department Of Home Affairs, Government Of India
3. The Director General Of Police, Border Security Force, North Bengal, Frontier, Head Quarter Kadamtala, Darjeeling, West Bengal
4. The Commandant Recruitment, Personnel Department, Head Quarter, Director General Border Security Force 10 CGO Complex, Lodhi Road, New Delhi- 110003
5. The Inspector General Of Police, Border Security Force, North Bengal, Kadamtalla, Darjeeling
6. The Assistant Commandant, Border Security Force, Kadamtalla Darjelling, West Bengal
7. The Post Master, Ahiyapur Takiya, District- Begusarai Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vivek Kumar Singh, Advocate
For the Respondent/s : Mrs.Punam Kumari Singh, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 11-03-2024

Heard learned counsel for the petitioner and learned
counsel appearing for the Union of India.

2. The present writ application has been filed for quashing the letter No.266 date d23.03.2012 by which the candidature of the petitioner for the appointment as constable has been rejected.

3. Learned counsel for the petitioner submit that pursuant to an advertisement for the appointment of the post of Constable (General Duty), the petitioner has applied for the same and thereafter the petitioner had appeared in the physical test and



he was declared successful. Thereafter, the petitioner has appeared in the written test which was held on 16.01.2011 and he has been declared successful and the medical examination of the petitioner was conducted on 18.04.2011. Learned counsel for the petitioner submits that the petitioner was waiting for appointment letter but he came to know in the month of January 2012 that some persons have been appointed pursuant to the aforesaid advertisement. Thereafter, the petitioner has filed a representation before the authority concerned on 14.03.2012 and response to the representation of the petitioner, petitioner has received the letter No. 266 dated 23.03.2012 by which the candidature of the petitioner has been rejected by the authority concerned. Learned counsel for the petitioner submits that till date the petitioner has not received any letter from the authority concerned and when the petitioner approached to the authority concerned, the authority has rejected the claim of the petitioner.

4. Learned counsel for the Union of India has filed a detailed counter affidavit in which she has categorically stated that the petitioner was selected and his name was figured at Sl.No.138 of the selection list and which was uploaded in the internet (website) of B.S.F. and petitioner has full knowledge of that and he has already annexed the same as Annexure-5 of the writ



application and from a bare perusal of Annexure-5 in which it is clearly mentioned that “ *It is to inform that the candidates belongs to Bihar & Orissa States who were found fit during second phase medical examination for the post of Constable (GD) - 2010 held at BSF Campus Khagra (Bihar) wef 13th to 22nd April 2011 are directed to report at "COMMANDANT 194 BN BSF, PO-KADAMTALA, DISTT - DARJEELING, WEST BENGAL-734011" on or before 10th June 2011 alongwith original documents for documentation and further proceeds to BSF Training Centers for Basic Recruitment Training.* ”

5. From bare perusal of the aforesaid, it appears that the petitioner required to report at Commandant 194-Battalion, BSF, Darjeeling, West Bengal on or before 10.06.2011 alongwith original documents for documentation and further proceeding to BSF Training Centre for basic training but despite of result published in the website of the B.S.F., the petitioner has not chosen to report before the authority concerned on or before 10.06.2011 but it appears from Annexure-B of the counter affidavit that pursuant to the Annexure-B, the respondent has issued letter dated 23.03.2012 by which the candidature of the petitioner has been rejected. Learned counsel for the Union of India submits that if



the petitioner had not joined on or before 10.06.2011 his candidature shall be automatically cancelled.

6. Learned counsel for the petitioner submits that in fact the petitioner has never received any joining letter from the respondents.

7. Learned counsel for the Union of India submits that the result was published in the official website of the B.S.F. and from a bare perusal of the result which suggests that *“It is to inform that the candidates belongs to Bihar & Orissa States who were found fit during second phase medical examination for the post of Constable (GD) - 2010 held at BSF Campus Khagra (Bihar) wef 13th to 22nd April 2011 are directed to report at "COMMANDANT 194 BN BSF, PO- KADAMTALA, DISTT - DARJEELING, WEST BENGAL-734011" on or before 10th June 2011 alongwith original documents for documentation and further proceeds to BSF Training Centers for Basic Recruitment Training.”.*

8. Considering the aforesaid facts, despite of the knowing fact that the petitioner has never reported before the authority concerned on the date mentioned above.



9. There is no merit in the writ application. Accordingly, it is dismissed, being devoid of merit, there will be not order as to costs however.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.03.2024
Transmission Date	NA

