

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18682 of 2013

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Ram Kumar Son Of Sri Ramdail Singh Resident Of Village- Sikarai, Post
Office- Madhusudanpur, Police Station- Tekari, District- Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Home Department,
Government Of Bihar, Patna
2. The Director General Of Police, Government Of Bihar, Patna
3. The Divisional Inspector General Of Police, Shahabad Range, Diher-On-
Sone
4. The President Sipalhi Selection Board, Shabad Region-Cum-Superintendent
Of Police, Bhojpur, Ara
5. The Superintendent Of Police, Gaya
6. The Police Inspector, Tekari Police Station, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate
For the State : Mr. Anil Kumar Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 23-04-2024

Heard Mr. Ravi Prakash, learned counsel for the
petitioner and Mr. Anil Kumar Upadhyay, learned counsel
appearing on behalf of the State.

2. The present writ petition has been filed for the
following reliefs;

*i. For issuance of an appropriate writ in the
nature of mandamus commanding and directing
and respondent authorities to issue district
order / joining letter in the name of petitioner
for joining as constable in Bhojpur, Ara because
he was duly selected for the same on 28.09.2012*



by Sipahi Selection Board No. 1 Shahabad region.

ii. For issuance of an appropriate writ / writs / order / orders, direction / directions to the respondents authorities to accept the joining of the petitioner on the post of Constable in Shahabad region because he has fulfilled all criteria for appointment as also post of Constable in the aforesaid region is still lying vacant.

3. Learned counsel for the petitioner submits that petitioner had filed an application for appointment on the post of constable in Sahabad region. The application of the petitioner was duly accepted by the respondents and petitioner was allotted roll no. 37631 and petitioner was directed to appear in the test and thereafter, the petitioner had participated in selection process and was found eligible for the post of *Sipahi* thereafter the petitioner received a letter which suggests that petitioner is required to appear before the Board on 08.10.2012 and he has been asked to submit all the relevant documents along with passport size photographs for verification of documents of the petitioner. The petitioner had appeared on 08.10.2012 before the Board for verification of the documents and after medical examination the petitioner was found suitable for the post of constable.



4. Learned counsel for the petitioner further submits that till date the petitioner had not received any communication from the authority concerned and the petitioner had filed several representations before the respondent concerned but no action has been taken by them. The petitioner was accused in one criminal case with respect to Tekari P.S. Case no. 90 of 2009 under Sections 302, 201, and 34 of the Indian Penal Code.

5. Learned counsel for the State submits that the certificates of the petitioner was verified by the authority concerned on 08.10.2012 and he has been acquitted in the aforesaid case in Sessions Trial No. 166 of 2013 (S.J.) / 45 of 2013 order dated 19.07.2013, it appears from the record of the petition that the respondent no. 3 has sent a letter for enquiry of his character from the respondent no. 6 (Police Inspector, Tekari Police Station, Gaya) and respondent no.6 has submitted his report with respect to the criminal antecedents of the petitioner and as per the reports of the respondent no. 6 it was found that one Tekari P.S. Case no. 90 of 2009 under Section 302, 201 and 34 of the Indian Penal Code is pending against the petitioner and on the aforesaid sole ground the appointment letter of the petitioner was not issued by the concerned authority.



6. Considering the aforesaid facts that although the petitioner has been selected for the post of constable in the year 2012 but the petitioner has been acquitted from the charges in the year 2013 as on the date of the consideration that is on 08.10.2012 that there is one criminal case pending against the petitioner under Section 302, 201 and 34 of the Indian Penal Code. On the aforesaid date of consideration one criminal case was pending against the petitioner, so respondent has rightly not issued the appointment letter to the petitioner.

7. Accordingly, this writ petition is dismissed.

(Rajesh Kumar Verma, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.04.2024
Transmission Date	NA

