

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.87 of 2024

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1. Murari Kumar Choudhary, Son of Ram Bahadur Choudhary, Resident of Gordna Road, Keshopur Bakari near Shiv Temple Bakri, Karwan P.S. Udawantnagar District Ara (Bhojpur) Bihar at present house no. 14-15 Street Golden Park near Dayal Baggh District Ambala Haryana.
 2. Navin Kumar, Son of Ram Ji Singh Resident of Ward no.9 Khajuri P.S. Warisnagar District Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Main Secretariat Bailey Road, Patna.
2. The Home Secretary, Home Department Govt. of Bihar, Newa Secretariat Bailey Road, Patna.
3. The Chairman Bihar Police Sub ordinate Service Commission Santosh Mansion B-Block Near R.P.S. Law College Raghunath Path Danapur, Patna, Bihar.
4. The Officer Special Duty Bihar Police Sub- Ordinate Service Commission Santosh Mansion B- Block near R.P.S. Law College Raghunath Patha Danapur Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sujit Kumar Singh, Advocate
For the State	:	Mr.Sanjay Kumar, AC to aAG 3
For the BPSC	:	Mr.Sanjay Pandey, Advocate
		Mr.Nishant Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 12-07-2024 The petitioners are Ex-Servicemen. By virtue of Advertisement No. 1 of 2019 dated 21st of August, 2019, 42 numbers of posts of Assistant Superintendent Jail were declared to be filled up from Ex-Serviceman. In the said advertisement, it is clearly stipulated that the maximum age limit of the candidates belonging to the Ex-Servicemen would be 50 years as on 1st of January, 2019. It was also directed that the



candidates will have to appear in preliminary and written examination similar to that of the Sub-Inspector of Police.

2. It is also stated in the notice that the selected candidates will have to undergo medical test but they did not require to compete in physical test like others. It was declared that 42 posts shall be filled up from the candidates belonging to Ex-Serviceman.

3. The examination process was handed over to the Bihar Police Subordinate Service Commission. The Commission, accordingly, issued notification specifying the number of vacancies as per the reservation roster. Thereafter, preliminary and final tests were taken. The Commission published the result of successful candidates and recommended the names of 40 candidates for their appointment. Such recommendation was sent to the Director of Prisons. The Commission, however, could not select 3 per cent of Backward Classes (Reserved Posts) due to the unavailability or suitability of candidates.

4. It is submitted by the learned Advocate for the Commission that the petitioners did not get minimum cut-off marks in their reserved category and therefore they were not selected.



5. The learned Advocate on behalf of the State submits that the candidates who were recommended has already been given appointment to the posts of Assistant Superintendent Jail.

6. It is submitted by the learned Advocate for the petitioners that one of the petitioners, i.e., Petitioner No. 2, made an application under the Right to Information (hereinafter referred to as the “RTI”) Act praying for the declaration of his marks, which he obtained in the examination, but the Commission did not send the requisite information. Therefore, the petitioner is not aware as to whether they got the requisite cut-off marks or not.

7. Having heard the submission made by the learned Advocate for the parties.

8. This Court finds that when the petitioners were unsuccessful in the competitive examination, they are not entitled to be appointed on the post of Assistant Superintendent Jail. They also cannot be appointed on the posts reserved for the women candidates.

9. Considering such aspect of the matter, I do not find any merit in the instant writ petition and accordingly the writ petition is dismissed on contest.



10. However, the Commission is directed to dispose of the application under the RTI Act filed by Petitioner No. 2 in accordance with the law, if not already disposed of.

(Bibek Chaudhuri, J)

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