

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12527 of 2018

Vashist Narayan Kumar, Son of Kuldeep Das, Resident of Village- Dheodha,
Police Station- Pakribarawan, District- Nawadah.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Central Selection Board, Bihar, Patna, through its Secretary, having its Office Near Secretariat Halt, Bihar, Patna.
3. The Chairman, Central Selection Board (Constable Appointment), Bihar Military Police Selection having its office near Secretariat Halt, Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the State	:	A.C. to G.A.-4
for the C.S.B.C.	:	Mr. Sanjay Pandey, Advocate Mr. Vivek Anand Amritesh, Advocate Mr. Binod Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date : 30-07-2019

Heard learned counsel for the petitioner, learned counsel for the State as well as learned counsel for the Central Selection Board.

2. In this case, the petitioner is seeking a relief to issue a writ of *mandamus* directing the respondents to consider his case for appointment to the post of Constable.

3. An advertisement was published vide Advertisement No. 01 of 2017 for appointment of constables



under the Bihar Military Police. The petitioner belongs to the scheduled Caste category having a requisite qualification, filled up the online application form. Whereafter, he appeared in the written examination and the physical test, in both the tests he was qualified, so he was asked by the Central Selection Board to bring his testimonies for verification and after verification of the testimonies of the petitioner, the Central Selection Board cancelled the application of the petitioner on the ground that the date of birth which he has mentioned in the application form is different to the date of birth mentioned in his matriculation certificate as while filling up the application form he has mentioned his date of birth as 8.12.1997 whereas his actual date of birth, as per matriculation certificate, is 18.12.1997.

4. Learned counsel for the petitioner submits that it is a minor mistake, that has not been committed by the petitioner, requires to be ignored, explaining that his native place is far away from the capital. The petitioner to fill up the on-line form, took assistance of the person, who is running Cyber Cafe, gave entire information to the said person, who committed mistake while filling up the online application form. When the petitioner could know this fact, he filed an application for correction as



well as consideration of his candidature for selection.

5. Whereas, learned counsel for the Central Selection Board submits that as per the instructions and conditions mentioned in the application form, the petitioner has to provide correct information with regard to himself and if it is found to be incorrect, the application is liable to be rejected. He has placed reliance on part Clause-8, which stipulates that after filling of the application form, the candidate will have to take print out of his/her application form and on printed application form, the candidate would paste his/her recent photograph and also put his/her signature in the box in Hindi and English respectively, whereafter, after scanning the application form would be uploaded on the website of the Board. It further stipulates that if any information supplied by the applicant is found to be incorrect, then his/her candidature will be liable to be rejected. Learned counsel for the Central Selection Board next submits that if any mistake has been committed while filling up the form, the procedure has been provided to rectify the same within the time prescribed i.e. the candidate will have to again deposit the fee and make necessary correction in the application form and only singular chance will be granted to the candidate in this regard.



6. It will be useful to quote relevant portion of the advertisement, which are as follows:-

“आवेदन-पत्र भरने के पश्चात अभ्यर्थी को अपना भरा हुआ आवेदन-पत्र A/14 साईज के पेपर पर प्रिंट (Print) करना होगा। प्रिंट किये गये आवेदन-पत्र के निर्धारित स्थान पर अभ्यर्थी अपना हाल का (एक माह के अंदर का) खिंचा हुआ रंगीन फोटो चिपकायेंगे आवेदन-पत्र पर मुद्रित 'घोषणा' के निचे दिये गये दो बाक्स के अन्दर अभ्यर्थी अपना हस्ताक्षर क्रमशः अँग्रेजी एवं हिन्दी में करेंगे। तत्पश्चात फोटो लगे एवं हस्ताक्षरित आवेदन-पत्र को स्कैन करने के उपरान्त पर्सद की वेबसाइट पर अपलोड (upload) कर देंगे। सफलतापूर्वक अपलोड हो जाने के पश्चात् अभ्यर्थी के पंजीकृत मोबाईल नम्बर पर SMS प्राप्त होगा तभी आवेदन-पत्र भरने की प्रक्रिया पूर्ण मानी जाएगी।

अभ्यर्थी दसवीं की बोर्ड परीक्षा के मुल प्रमाण-पत्र के आधार पर आवेदन-पत्र में अपनी जन्म तिथि का सही-सही उल्लेख करेंगे। आवेदन-पत्र में अभ्यर्थी अपना नाम, पिता/पति का नाम, पता, आदि सभी सूचनाएं बिल्कुल सही-सही भरें। प्रमाण-पत्रों से मिलान के समय यदि इनमें कोई भिन्नता पायी जाती है तो आवेदक/आवेदिका की उम्मीदवारी रद्द कर दी जायेगी।

परन्तु भविष्य में पत्राचार/जानकारी प्राप्त करने के लिए Application Form Number आवश्यक है। अतः पूर्ण रूप से भरे हुए आवेदन-पत्र (फोटो सहित) की मूल/छायाप्रति अभ्यर्थी अपने पास अवश्यक सुरक्षित रखें। केन्द्रीय चयन पर्सद से पत्राचार करते समय आवेदन-पत्र की छाया प्रति निश्चित रूप से संलग्न करें।

गलत/त्रुटिपूर्ण भरे गये आवेदन-पत्र में सुधार करना :-

आवेदन-पत्र भरने की प्रक्रिय के दौरान या आवेदन-पत्र



भरे जाने के बाद यदि अभ्यर्थी को लगता है कि उसका आवेदन-पत्र गलत/त्रुटिपूर्ण अपलोड हो गया है और उसमें सुधार की आवश्यकता है तो अभ्यर्थी आवेदन-पत्र भरने की फीस पुनः जमा कर सुधार कर नया आवेदन-पत्र भर सकते हैं। आवेदन-पत्र को सुधारने/सही करने का केवल एक अवसर दिया जायेगा, इसके बाद किसी भी परिस्थिति में अभ्यर्थी अपने आवेदन-पत्र में सुधार नहीं कर सकेंगे। जो अभ्यर्थी आवेदन-पत्र की अंतिम तिथि 30/08/2017 को आवेदन-पत्र भरेंगे, उन अभ्यर्थियों को आवेदन-पत्र में सुधार करने का अवसर दिनांक – 31/08/2017 तक ही दिया जायेगा।”

7. Learned counsel for the Central Selection Board further submits that the contention of the petitioner that it is a mistake committed by the person who is running the Cyber Cafe, is incorrect as he took out print of the application form filed by him and whereafter he put his signature in Hindi/English including, pasted his recent photograph in the application form, itself shows that after proper verification, he uploaded the application form.

8. Having considered the rival contentions of the parties, the conditions mentioned in the application form is completely clear that the candidate has to provide the correct information and further prescribes that after filling up the application form, the same would be printed out, in turn, the candidate would paste his/her recent passport size photograph as



well as he/she would put signatures in the box. In the application form, it has clearly been mentioned that if any information supplied by the applicant is found to be incorrect, then his/her candidature will be liable to be rejected. Furthermore, the advertisement is of the year 2017 and all the persons have already been appointed.

9. In such view of the matter, this Court does not find any merit in this writ petition, accordingly, the same is dismissed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	06.08.2019
Transmission Date	

