

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1271 of 2019

In
Civil Writ Jurisdiction Case No.12527 of 2018

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Vashist Narayan Kumar Son of Kuldeep Das Resident of Village- Dheodha,
Police Station- Pakribarawan, District- Nawadah, Pin Code- 805124.

... .. Appellant/s

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.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Abhinav Srivastava, Advocate
For the Respondent/s	:	Mr. P.K. Verma, AAG 3
		Mr Saroj Kumar Sharma, AC to AAG 3
For CSBC	:	Mr. Sanjay Pandey, Advocate
		Mr. Binod Kumar Mishra, Advocate
		Mr. Vivek Anand Amritesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 22-08-2022

Heard learned counsels for the parties.

2. The appellant has assailed the order of the learned Single Judge dated 30.07.2019 passed in C.W.J.C. No. 12525 of 2018. The appellant is a candidate for the recruitment to the post of Constable pursuant to Advertisement No. 01 of 2017 for



selection and appointment to the post of Constable under the Bihar Military Police. The appellant has claimed under Scheduled Caste category.

3. The appellant was not selected for two reasons namely there were certain deficiencies in the date of birth mentioned in the matriculation certificate read with application form to the extent it is 08.12.1997 or 18.12.1997. Further, it is noticed that the appellant's candidature has been rejected *vide* Annexure – 5 to the C.W.J.C. No. 12527 of 2018 which reads as under:

“Central Selection Board of Constable

Shri Sai Tara Complex, I.A.S. Colony, Bailey Road, Patna –

801503, Bihar

Your Result Status

Your Roll Number Details.

Roll Number : 7715070021

Result Status: Fail in PET/Doc. Verification

08- Dec-1997”

4. In this backdrop, the appellant should have sought for quashing of the aforesaid Annexure - 5 and further sought for a direction to the concerned selecting and appointing authority to reconsider his candidature and to include his name in the final select list. In the absence of the aforesaid reliefs, the appellant has



only sought for a direction to appoint him to the post of Constable with reference to the contention that it is only a typographical error in the matriculation certificate read with application form relating to date of birth as 08.12.1997 or 18.12.1997 which could be rectified. Even assuming that date of birth mentioned in matriculation certificate read with application form is only a typographical error even otherwise appellant has not questioned Annexure - 5 stated *supra* and further he has not sought for a direction to include his name in the final select list so as to consider his claim for appointment. For seeking mandamus one must establish his statutory right that his name is reflected in the final select list. In the absence of these ingredients, the appellant has not made out a case so as to interfere with the impugned order dated 30.07.2019 passed in C.W.J.C. No. 12527 of 2018.

5. Accordingly, appeal stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
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