

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.110 of 2021

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Ravikiran Prabhakar Dhobale Son of Prabhakar Dhobale, Resident of E Ward
Sadar Bazar Vichare Mal, District - Kolhapur, Maharastra - 416003.

... .. Petitioner/s

Versus

1. The Union of India through Ministry of Railway.
2. The East Central Railway, Hajipur through its General Manager.
3. The Inspector General- cum-Chief Security Commissioner, East Central Railway, Hajipur.
4. The Nodal Officer, Recruitment of Constable (Band), East Central Railway, Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha
For the Respondent/s : Mr. Kumar Priya Ranjan

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 21-03-2022

Heard learned counsel for the parties.

In the instant petition, petitioner has prayed for the
following relief/reliefs:

*“That by way of this writ
application petitioner seeks indulgence of
this Hon’ble Court for issuance of an
appropriate writ/writs, order/orders,
direction/directions for the following
reliefs:-*

*I. For issuance of writ in the nature of
mandamus for commanding the respondents
to appoint the Petitioner on post of
Constable (Band) in Railway Protection
Force/Railway Protection Special Force
which is advertised through Employment
Notice no. 01/2016, alternatively*



Respondents may be directed for document verification afresh.

II. For any other relief/reliefs to petitioner is entitled for.”

Petitioner is a candidate for recruitment to the post of constable in Railway Protection Force. Petitioner was non-suited for the post of constable due to lack of eligibility criteria, namely, that he did not possess experience certificate in musical instrument with reference to prescription of eligibility criteria viz., “[d] Candidates must have an experience of not less than 02 years in specified musical instrument. Ex Servicemen holding certificate of Military music shall be permitted.”

Respondents in their counter affidavit, at paragraph no.11 stated as under:

“That in reply to paral of the writ petition, it is submitted that final list has already been published. For every phase of examination, list of successful candidates who have qualified irrespective phases has been published and circulated as per the notificate no 01/2016 dated 12.03.2016 and Directive -34 dated 07.01.2015. Petitioner is not entitled for any relief because he has submitted experience certificate at the stage of application issued by SANGEET Prashikshan Sala (Dound, Pune) in which



experience shows Nine months instead of two years which is less than the eligibility criteria.”

The petitioner has not filed rejoinder affidavit countering the aforesaid paragraph that petitioner did possess 02 years experience in specified musical instrument, therefore, it is admitted fact that the petitioner did not fulfill the aforesaid eligibility criteria. In the light of these facts and circumstances, there is no infirmity in the respondent’s decision in not selecting the petitioner to the post of constable.

Accordingly, writ petition stands dismissed.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.03.2022
Transmission Date	NA

