

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 3815 of 2018

Jitendra Kumar Mahto

... **Petitioner**

-versus-

1. The State of Jharkhand.

2. The Examination Controller, Jharkhand Staff Selection Commission, Kali Nagar, Chai Bagan, Namkum, Ranchi 834010.

... **Respondents**

CORAM : HON'BLE MR. JUSTICE ANANDA SEN

For the Petitioner : Mr. Akshay Kumar Mahato, Advocate

For the Respondents : Mr. Sanjay Kumar Piprawal, Advocate

7/ 14.02.2019 In this writ application, the petitioner has prayed for a direction upon the respondents to issue the letter of appointment to the petitioner for the post of Police Sub Inspector, as according to him, he is successful in the examination and has completed all the formalities.

2. The Jharkhand State Staff Selection Commission invited an application to fill up the post of District Police Sub Inspector and Special Police Sub Inspector vide advertisement No.5/17. The petitioner, who happens to be from Backward Class (B.C. I Community), applied, but, admittedly, while mentioning his caste, he mentioned his class as B.C.II. The petitioner appeared in the preliminary test and was qualified. After he qualified in the P.T. Examination, he appeared in the main examination and qualified the same also. The petitioner was also successful in the physical examination. He also qualified the medical test. Thereafter the Jharkhand Staff Selection Commission issued a notice on 27.06.2018 informing that the candidates, who are actually B.C.I candidate and in the online application had filled up the form as B.C. II candidates, have been treated as candidates of un-reserved category. The name of the petitioner appears in the said list. Petitioner claims that he has secured 418 marks and thus, was qualified to be appointed both in B.C.I and B.C. II category and as the petitioner, in fact, is a B.C.I category, should have been treated as B.C.I candidate in place of B.C.II. Claim of the petitioner was rejected and he was treated as a General Category candidate.

3. Counsel for the petitioner submits that, wrongly the petitioner had filled up the online form showing him as a B.C. II candidate though he was B.C.I. He submits that this act was not intentional and it was a bonafide mistake, which should have been condoned. He submits that the marks, which the petitioner has obtained, were enough for his appointment as B.C.I and B.C.II candidates, but, his case was not considered. He

submits that he is entitled to be appointed.

4. Respondents-Jharkhand Staff Selection Commission filed their counter affidavit and submitted that the petitioner had filled up the online application form showing his caste as B.C.II, which, in fact, was not correct. Later on, it was detected that the petitioner was B.C. I candidate. Thus, he was treated as an un-reserved category candidate. He also submits that Clause III of the advertisement clearly mentions that one should have completed all the formalities at the time of filling up of the online form and at any point of time if it is seen that candidate is not fulfilling any of the conditions, his application can be rejected. He submitted that as the cut off mark for un-reserved category was 466 and as the petitioner got only 418 marks, he was not appointed as because he was treated as un-reserved candidate. He also submits that Cause 7(iv) of the advertisement specifically mentions that only after obtaining particular certificate in respect of caste from the appropriate issuing authority, the online application had to be filled up and the same certificate had to be produced and in this case, the petitioner, admittedly, has given a wrong information, which was detected at the time of verification of the documents. Thus, he is not entitled to get any benefit.

5. After hearing the counsel for the petitioner, I find that the petitioner had applied online pursuant to the advertisement issued by the Jharkhand Staff Selection Commission claiming himself to be a B.C. II candidate. Admittedly, he is not a B.C. II candidate. He claimed that he is a B.C. I candidate and inadvertently he has filled the form as B.C. II candidate. The certificate, which he produced, is issued for appointment to the post / admission to Central Educational Institutions (CEIs) under the Government of India. This is not the appropriate caste certificate for applying for the employment to the post under the Government of Jharkhand. The caste certificate, which is requisite for appointment to the post of Government of Jharkhand is absolutely different. This aspect was dealt with by a Coordinate Bench of this Court in W.P.(S) No.6149 of 2018 (Pankaj Kumar versus The State of Jharkhand & Others). In the aforesaid case, it was held that any other caste certificate, which is not in conformity with the caste certificate, which is necessary for applying for appointment to the post under the Government is not acceptable and one cannot take benefit of any other caste certificate.

6. The caste certificate should be issued in due format as

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contained in Circular dated 29.08.2012, which is not the case here. Further, I find that at the time of filling up of application, petitioner claims himself to be B.C.II, which, admittedly, he is not. Thus, his entire application also did not contain the correct information about his caste. Clause 7 of the advertisement, clearly prescribed that at the time of filling up the application, one has to possess necessary supporting document. The appropriate certificate, as per the format, was, admittedly, not with the petitioner, as the certificate, which the petitioner is relying upon is not the certificate in the correct format.

7. Since the petitioner has not filled up his application form correctly and has stated that he is a B.C. II candidate and later on claimed to be a candidate of B.C.I, there is no illegality on the part of the respondents to treat him to be unreserved candidate. Further, I find that the certificate, which the petitioner has produced as B.C. I candidate is not in the proper format. Thus, the respondents were correct in rejecting the claim of the petitioner.

8. This writ application is, thus, dismissed.

(Ananda Sen, J.)