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**(2019) 11 PAT CK 0037**

**Patna High Court**

**Case No:** Civil Writ Jurisdiction Case No 5112 Of 2016

Sharda Kumari

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

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**Date of Decision:** Nov. 7, 2019

**Hon'ble Judges:** Madhuresh Prasad, J

**Bench:** Single Bench

**Advocate:** Rajendra Kishore, Surj Bansh Roy, Sanjay Kr, Archana Meenakshee, Harish Singh, Sanjay Pandey, Binod Kr Mishra, Vivek Anand Amritesh

**Final Decision:** Dismissed

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### **Judgement**

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

2 The petitioner is aggrieved by rejection of her candidature in the process of selection for the post of Constable in the Bihar Police Force. Application

was made pursuant to Advertisement No 1 of 2014. Learned counsel for the petitioner submits that the mismatch is not an irregularity which can be

made the basis of cancellation of the petitioner's candidature.

3 Relying upon the terms and conditions in the Advertisement as well as the process of selection, the learned counsel for the Board submits that

disqualification is the prescribed consequence for mismatch in details submitted by the candidates and, therefore, the petitioner, who has participated in

the process of selection in these terms and conditions, cannot be permitted to turn around and challenge the same. Referring to the various documents

submitted by the petitioner which include the Residential Certificate, Matriculation Certificate, Intermediate Certificate, Cast Certificate etc, it is rightly

pointed out that the father's name, permanent and correspondence address mentioned in the application form submitted by the petitioner is

different and there is a mismatch between the details in this respect provided in the application form with that of the documents submitted in support of

the application which are annexed as Annexure C series to the counter affidavit.

4 Submission of the learned counsel for the Board is correct as per the copies submitted along with the counter affidavit. Petitioner has tried to

overcome the said disqualification by annexing certificates in her reply to counter affidavit which have been obtained subsequently, during pendency of

the instant proceedings to justify her claim. Clearly, the same is impermissible. Candidature of the petitioner is required to be considered as per the

particulars and testimonials furnished by her at the time of filling the application form. In those particulars and testimonials, there is a clear mismatch,

and candidature of the petitioner has rightly been disqualified.

5 Writ petition is devoid of merit and the same is dismissed.