

**(2011) 08 JH CK 0077**

**Jharkhand High Court**

**Case No:** Writ Petition (S) No. 1485 of 2011

Sheo Nandan Prasad

APPELLANT

Vs

The State of Jharkhand and  
Others

RESPONDENT

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**Date of Decision:** Aug. 23, 2011

**Acts Referred:**

- Constitution of India, 1950 - Article 226

**Hon'ble Judges:** Dhirubhai Naranbhai Patel, J

**Bench:** Single Bench

**Final Decision:** Dismissed

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**Judgement**

D.N. Patel, J.

The present writ petition has been preferred for getting appointment on the post of Driver constable with the police department of the respondents. Though the petitioner is selected, he has not been appointed. This is the main grievance, ventilated in the memo of this petition.

2. I have heard learned Counsel for the respondents, who has submitted that a detailed counter affidavit has been filed, wherein, it is stated that the petitioner had not come with a clean hand for getting the public employment with the respondents. The driving licence issued to the petitioner reveals that it was issued on 19th May, 1987 when he was a minor and as per the petitioner himself his date of birth is 2nd May, 1974, therefore, it appears that from very beginning the tendency of the petitioner is to do illegal things and he had concealed correct facts from the State authorities. Such person cannot be appointed as Driver constable with the respondents.

3. Having heard learned Counsel for both the sides and looking to the facts and circumstances of the case, it appears that:

(i) The petitioner had applied for the post of Driver constable with the respondents, in pursuance of the public advertisement. Examination was conducted. Result was declared and the petitioner was selected.

(ii) Thereafter, the petitioner was called for verification of the original documents, one of which is driving licence because the petitioner had applied for Driver constable. Upon verification, it was found that the petitioner's driving licence was issued on 19th May, 1987 whereas, his date of birth is 2nd May, 1974. Thus, as on date of issuance of driving licence, his age was only 13 years. Thus, it appears that by misguiding the State authorities, the driving licence must have been obtained by the petitioner. The petitioner is having such type of tendency, which is clear from his driving licence. Such type of person is not fit to be appointed for the post of Driver constable, as per the respondents.

4. In view of the aforesaid facts, I am not inclined to exercise extraordinary jurisdiction vested in this Court under Article 226 of the Constitution of India, for this petitioner. There is no substance in this writ petition and, hence, the same is, hereby, dismissed.