

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10509 of 2020

Chimnaji Narayan Sarode Son of Naryan Ranba Sarode, Resident of Dhoki,
District - Nanded, Maharashtra - 431602.

... .. 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

Appearance :

For the Petitioner/s	:	Mr. Anjani Kumar Jha, Adv. Mr. Jayant Kumar Karn, Adv. Mr. Aman Kumar Singh, Adv. Mr. Parijat Karan, Adv.
For the Respondent/s	:	Mr. Tarkeshwar Nath Thakur
For the U.O.I.	:	Mr. Dr. Maurya Vijay Chandra, Sr. CGC Mr. Satyendra Kumar Jha, CGC Ms. Preety Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 25-06-2026

Learned Advocate for the respective parties are present.

2. The petitioner, who happens to be an aspirant for the post of Constable (Band) in Railway Protection Force/Railway Protection Special Force in connection with Employment Notice No. 01 of 2016 has invoked the jurisdiction of this Court seeking a direction upon the respondents concerned to appoint him on the aforementioned post, after fresh document verification.

3. It is submitted that in terms with the eligibility



criteria, the petitioner on being found eligible submitted his application and furnish certificate for two years experience in specified musical instrument. Although, it was mentioned in the advertisement, after Physical Efficiency Test and Physical Measurement Test, document verification shall be done but before the verification of documents, petitioner and other candidates have been called for Trade Test, by the expert on the specific musical instrument of the candidates.

4. Despite the petitioner qualified in Trade Test and upon document verification, his name did not publish in the final selected list. Non consideration of the candidature of the petitioner for appointment to the post, in question, is said to be wholly arbitrary and illegal.

5. Mr. Dr. Maurya Vijay Chandra, learned Senior CGC submitted that primarily the writ petition is not maintainable because once the petitioner has participated in the selection process, without any demur and is now seeking to challenge the process itself on being declared unsuccessful. The Hon'ble Supreme Court in catena of decisions, one of which rendered in the case of *Madan Lal and Ors. Vs. State of J & K and Ors.*, reported in *(1995) 3 SCC 486* held that once an applicant has participated in the selection process, without protesting or challenging the same, he cannot turn around, after being



unsuccessful in the final result and challenge the process itself. It is further contended that in terms with Employment Notice No. 01 of 2016 dated 12.03.2016, the stage of document verification had inadvertently been mentioned as before the Merit Eligibility Test, which is contrary to the provisions and in order to rectify the error, a corrigendum was issued and published in daily newspaper on 29.12.2018, i.e. before conducting written examination.

6. In course of written examination and after scrutiny of applications, total 1039 applicants were qualified in the written examination and were also called for PET/PMT, out of which 802 candidates were qualified. The qualified candidates were also called for next phase of the examination, i.e. Trade Test held on 21.09.2019, in which total 148 candidates were qualified. As per the provisions of Directive-34, two independent co-opted music experts were also nominated. All the qualified candidates were called for document verification and final result was published accordingly on 09.01.2020.

7. The petitioner had initially submitted training certificate issued by Bhedak Sudarshan Chitra Pat Kala Vikash Mandal (Perbhani) dated 23.11.2012, in which time period of training was not mentioned. Therefore, the same was not taken into consideration; now after successful completion of the



selection process, any certificate produced by the petitioner is of no use and cannot be considered, in any manner.

8. Similar issue has come up for consideration before this Court in CWJC No. 206 of 2021 and CWJC No. 6 of 2021, wherein this Court has declined to grant relief to similarly situated petitioners. The decision of this Court has also been brought on record vide Annexure-R/A to the counter affidavit.

9. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that the contention raised by the respondent Railway to the extent that initially the petitioner had submitted training certificate issued by Bhedak Sudarshan Chitra Pat Kala Vikash Mandal (Perbhani), wherein the period of training has not been mentioned and this part has neither been disputed nor any response has been filed to the counter affidavit. Besides the fact that similar issue has already been considered and this Court has decline to grant relief to similarly situated person. This Court does not find any merit in the present writ petition. Accordingly, the same stands dismissed.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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