

(2005) 01 PAT CK 0081
In the Patna High Court
Case No : CWJC No. 10023 of 1999

Ezahar Ahmad Khan and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 27-01-2005

Acts Referred:

Citation : (2005) 1 PLJR 597

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Ibrahim Kabir, for the Appellant;

Final Decision : Dismissed

Judgement

Narayan Roy, J.—Heard counsel for the parties. The petitioners in sum and substance challenge Police Order No. 202 of 1988, whereby and where under mode recruitment for the post of police constable has been prescribed.

2. According to the case of the petitioners, they were applicants pursuant to advertisement No. 1 of 1998 for the posts of constable and they have been eliminated from the zone of consideration on account of their being of lesser height.

3. Learned counsel for the petitioners contended that by Police Order No. 202 of 1988, the service condition cannot be changed or determined by the authorities, and, therefore, it is wholly without jurisdiction.

4. A counter affidavit has been filed on behalf of the respondents stating therein that Police Order No. 202 of 1988 is not condition of services, rather it is a mode of recruitment.

5. It appears from the pleadings of the parties that Police order No. 202 of 1988 lays down the criteria for selection of the candidates to be appointed on the posts of police constables and certain modes have been prescribed to eliminate persons on the ground of height. Police Order No. 202 of 1988 does not appear

to be a guideline for appointment on the posts of police constable, rather it is a mode to eliminate on the ground of height in case number of candidates are found to be excess to the vacancies.

6. The guidelines evolving a mode of recruitment, in my opinion cannot be held to be without jurisdiction and it would be the prerogative of the authorities to evolve criteria for the purpose of screening successful candidates appearing in the test.

7. For the reasons aforementioned, therefore, I do not find any reason to interfere in the matter. This application is, accordingly, dismissed.