

IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.14572 of 2007
VANDANA GOVINDAM
Versus
THE STATE OF BIHAR & ORS

For the petitioner:- Mr. Abhay Kumar Singh, Advocate
For the B.P.S.C.:- Mr. Dr. S.N. Jha, Sr. Advocate &
Mr. Sanjay Pandey, Advocate.

02 16.02.2010

Heard learned counsel for the petitioner and
learned counsel for the Bihar Public Service
Commission.

On the own showing of the petitioner,
communications sent to her for appearing at the
interview for the post of C.D.P.O. after competing
successfully in the selection process, required her to
produce the necessary certificate as a backward caste
candidate not belonging to the Creamy Layer at the time
of interview. The petitioner was interviewed on
11.9.2007. The petitioner does not deny that she did
not produce the necessary Creamy Layer certificate on
that date, but relies on a subsequent certificate issued
to her for the purpose on 18.9.2007 after the interview.
That the petitioner may have been inadvertently
included in the list of selected candidates on 22.9.2007
can be of no avail to the petitioner when the facts are
otherwise not in dispute with regard to non production
of her Creamy Layer certificate on the relevant date. In
any event of the matter even the final select list reserves

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the right of the commission in the note at the bottom of the list to accept only such documents as were produced on the date of interview only

Learned counsel for the Commission has relied upon a Full Bench decision of this Court reported in 1998 (3) P.L.J.R. page 35, BRAJ KISHORE PRASAD & OTHERS VERSUS THE STATE OF BIHAR & OTHERS, in which summing up the conclusions at paragraph-26, it has been held that documents/supporting documents cannot be received after the last date and has to be rejected by the selecting authority. The Commission could not have taken into consideration, the subsequent Creamy Layer certificate produced by her. The petitioner has not been able on facts to make out a case of extreme hardship so as to warrant any interference by this Court as this Court cannot relax the conditions imposed by the respondents when there is no relaxation clause in the advertisement itself.

The writ application is disposed in the aforesaid terms.

P.K.

self (Navin Sinha, J.)

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For Joint Registrar (J)
Patna High Court

Enacted 13/8/76 Act of 1872

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