

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.109 of 2014

In
CWJC No.14398 of 2013

- =====
1. Central Selection Board of Constable through its Chairman, Central Selection Board of Constable, Bihar, Patna
 2. The Chairman, Central Selection Board (Sipahi Bharti), Computer Bhawan, Jawahar Lal Nehru Marg, Bihar, Patna
 3. The Secretary, Central Selection Board (Sipahi Bharti), Bihar, Patna

.... Appellants

Versus

1. Amrit Raj, S/O Vibhishan Yadav, Resident Of Vill.- Araria, P.O.- Balaha, P.S.- Parbatta, Distt.- Khagaria
2. The State Of Bihar
3. The Superintendent of Police, Rail, Patna
4. The Sub Divisional Officer, Gogri in the District of Khagaria
5. The Circle Officer, Parbatta in the District of Khagaria

.... Respondents

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Appearance :

For the Appellant : Mr.P.N. Shahi, Sr. Advocate
Mr. Sanjay Pandey, Advocate
Mr. Binod Kumar Mishra, Advocate

For the State : Mr. Manoj Kumar Jha, A.C. to G.P.-26

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-05-2015 The respondent Nos. 2, 3 and 4 in CWJC No.14398 of 2013 are the appellants. Amrit Raj-the 1st respondent herein, filed the writ petition challenging the Memo dated 20th June, 2013, issued by the Secretary, Central Selection Board (Sipahi Bharti), Bihar, Patna-the 3rd appellant herein, informing him that his candidature for the post of Constable in the Bihar Police is rejected on account of difference of name of his father in the

application form on the one hand and in the Matriculation certificate on the other hand.

A notification was issued by the State of Bihar in 2012 proposing to select and appoint 7606 Constables. The 1st respondent submitted his application for that post. He was subjected to physical and other tests, according to the prescribed procedure, and was found to be otherwise fit. At the time of issuance of the letter of appointment, on verification of record, it was noticed that the name of the father of the 1st respondent was mentioned in the application form as “Bivishan Prasad Yadav” whereas in the Matriculation certificate, his name was “Vibhishan Yadav”. Taking the same into account and by referring to Clause 19 of the application form, the 3rd appellant issued the order rejecting the candidature of the 1st respondent.

It was pleaded by the 1st respondent that the difference pointed out in the memo is mostly on account of way of pronunciation and the consequential writing and it was not even alleged that there is any act of impersonation. The learned single Judge allowed the writ petition and set aside the impugned order. Hence, this appeal.

Heard Shri P.N. Shahi, learned Senior Counsel for the appellants and Shri Manoj Kumar Jha, learned Assistant Counsel

to Government Pleader No.26 for the State. None appears for the 1st respondent; obviously it is at the admission stage.

It is no doubt true that the candidates for any selection are required to furnish the correct information and any deviation would result in disentitling the candidate for selection.

In the instant case, the difference, which is noticed in the application form on the one hand and in the Matriculation certificate on the other hand, was about in the spelling of the name of the father of the appellant. In the application form, it was written as “Bivishan Prasad Yadav” whereas in the Matriculation certificate, it was mentioned as “Vibhishan Yadav”. The pronunciation of “Vivishan” as “Bibhishan” in Bengal and abutting States is too well-known. Obviously because of that in the application form, the name of “Vibhishan Yadav” was mentioned as “Bivishan”. The word “Prasad” is either additionally written in the application or it was inadvertently omitted in the certificate.

As long as the identity of the person was not disputed, the small difference as to the description, or the name should not make much difference, particularly when the name is same. Even now the question remains as to whether the 1st respondent is the same person as mentioned in the Matriculation certificate and in the application form and if this difference is on account of an act

of impersonation, the authority can certainly take action. However, if he happens to be the same person, who is named in the Matriculation certificate, inadvertent error in the name of the father of the 1st respondent must not result in disentitling the candidate for selection.

Hence, we dismiss the appeal, leaving it open to the appellants to verify as to whether the 1st respondent is the same person, who was issued the Matriculation Certificate with father name as Vibhishan Yadav. In case of any doubt, verification shall be done within four weeks and not beyond that date.

(L. Narasimha Reddy,CJ)

(Sudhir Singh, J)

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