

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15500 of 2013

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Manish Kumar Son Of Sri Rambabu Shah Resident Of Village- Bhabtiahi, P.O.-
Bhabtiahi, District- Supaul

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna
2. The Secretary Cum Commissioner, Human Resources Department, Govt. Of Bihar, Patna
3. The Secretary, Department Of Science And Technology, Govt. Of Bihar, Patna
4. The Bihar Combined Entrance Competitive Examination Board Through Its Secretary, IAS Association Building, Near Patna Airport, Patna-14
5. The Examination Controller, Bihar Combined Entrance Competitive Examination Board, IAS Association Building, Near Patna Airport, Patna-14
6. The Officer On Special Duty (O.S.D.) Bihar Combined Entrance Competitive Examination Board, IAS Association Building, Near Patna Airport, Patna-14
7. The State Board Of Technical Education, Bihar, Patna Through Its Secretary
8. The Secretary State Board Of Technical Education, Bihar, Patna
9. The Principal, Government Polytechnic, Saharsa

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 14603 of 2013

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Ranjeet Kumar, son of Sri Balkrishna Mahto, resident of village Hajahi, P.O. –
Meghaul, P.S. – Khodwanpur, District – Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna
2. The Secretary Cum Commissioner, Human Resources Department, Govt. Of Bihar, Patna
3. The Secretary, Department Of Science And Technology, Govt. Of Bihar, Patna
4. The Bihar Combined Entrance Competitive Examination Board Through Its Secretary, IAS Association Building, Near Patna Airport, Patna-14
5. The Examination Controller, Bihar Combined Entrance Competitive Examination Board, IAS Association Building, Near Patna Airport, Patna-14
6. The Officer On Special Duty (O.S.D.) Bihar Combined Entrance Competitive Examination Board, IAS Association Building, Near Patna Airport, Patna-14
7. The State Board Of Technical Education, Bihar, Patna Through Its Secretary
8. The Secretary State Board Of Technical Education, Bihar, Patna
9. The Principal, Government Polytechnic, Saharsa

.... Respondent/s

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Appearance :

(In CWJC No. 15500 of 2013)

For the Petitioner/s :

For the State:

For the Respondent Nos. 8-9:

(In CWJC No. 14603 of 2013)

For the Petitioner/s :

For the Respondent No. 4 to 6:

For the State:

Mr. MD. ANIS AKHTAR

Mr. Saneh Kumar Mishra

Mr. Vikas Kumar

Mr. MD. ANIS AKHTAR

Mr. Vikas Kumar

Mr. S. Raza Ahmad, Sr. Advocate

Mr. Vishwambhar Prasad

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 21-08-2015

21.08.2015

Heard learned counsel for the parties.

Both the writ application stands disposed off with a common order because they have arisen out of common set of facts and a similar kind of order.

The Controller of Examination of Bihar Combined Entrance Competitive Examination Board has withdrawn the recommendation for admission in the Polytechnic against the entrance examination held in the year 2009.

A very detailed kind of order has been passed by the Controller, which are Annexure-16 and Annexure-12, respectively and dated 28th of March, 2013.

The entire background culminating into the decision is evident from reading of the impugned orders. What emerges is that a case of impersonation was initially suspected by the authorities. However, in absence of any scientific or forensic evidence petitioners were admitted provisionally. Naturally the decision making took time, by which time the petitioners completed their three years of education.

Writ application has been filed now to set

aside the impugned orders and for declaration of results, including quashing of the order of the forensic science laboratory.

There is no material to declare the forensic science laboratory's report to be unacceptable, because there is no alternative or better opinion over the correctness or otherwise of the said reports. In addition to that since the petitioners have derived advantage out of fraud and deceit, which stands squarely established from the reading of the order in question, they cannot derive benefit of the same because any indulgence shown to the petitioners only on the ground that they have completed three years of studies would amount to rewarding a dishonest candidate who was not even the person who sat for the entrance examination in the very first place.

A detailed counter affidavit in support of the decision has been filed on behalf of the respondents, which are placed on record.

Both the writ applications therefore are required to be dismissed. These are dismissed.

(Ajay Kumar Tripathi, J.)

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