

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12338 of 2015

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1. Ratan Kumar @ Ratan Kumar Sinha S/o Sri Prabhat Kumar @ Prabhat Kumar Sinha, resident of village- Block Road, Ward No. 1, P.S.- Thakurganj, District-Kishanganj

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Secretary, Govt. of Bihar, Patna
2. The Director, Jail and Reforms Services Inspectorate, Home Dept. Bihar, Patna
3. The Bihar Karamchari Chayan Aayog through its Secretary, Veterinary College, Patna-14

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad
For the State : Mr. Amitabh Bhardwaj, AC to SC 12
For the Commission : Mr K.K.Upadhyaya
Mr C.B.Das

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 07-09-2015

Petitioner filed the writ application when despite his qualifying on the post of Warden in terms of advertisement no.10 of 2013, he was not appointed.

It is his case that when the results were declared and he was called for medical examination he figured in the list but after a gap of almost a year, the second result was declared in which name of the petitioner was missing. This was done for oblique motive.

Counter affidavit of the respondents indicates that the certificate or documents produced by the petitioner of his training as a Home guard was found to be forged. In all the certificates annexed and produced by the petitioner before the respondent Karamchari Chayan Aayog name of the petitioner has been shown to be Ratan

Kumar and father's name as Prabhat Kumar.

Annexure- 2 is the so-called certificate of training, which indicates the name as Ratan Kumar Sinha, father's name Prabhat Kumar Sinha. Where and how the deviation came in the name only with regard to training certificate is not being satisfactorily explained. Right from matriculation and every other certificate the name of the petitioner does not carry surname 'Sinha'. On verification, the respondents take a stand that such a certificate of training is forged one.

This is the basis why the petitioner did not figure in the final list of selected candidates. With no clear explanation emerging with regard to Annexure- 2, the certificate of training viz-a-viz Annexure- 1, which is the matriculation certificate of the petitioner and other certificates annexed thereto, the reason for rejection of the petitioner's claim seems to be based on materials produced by the petitioner himself and on its verification.

There is no arbitrariness in non- selection of the petitioner in the given facts.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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