

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2335 of 2014

=====

Ranjeet Kumar, Son of Kameshwar Paswan, Resident of Village Mahuat, P.S. Wajirganj, District Gaya.

.... Petitioner

Versus

1. The State of Bihar through its Secretary, Department of Science and Technology, Government of Bihar, Patna.
2. The Director, Department of Science and Technology, Government of Bihar, Patna.
3. The Director, Police Laboratory, Crime Investigation Department, Bihar, Bailey Road, Patna.
4. The Controller of Examination, Bihar Combined Entrance Competitive Examination Board, Patna.
5. The Special Work Officer, Bihar Combined Entrance Competitive Examination Board, Patna.
6. The State Examiner of questioned documents, Police Laboratory, CID, Patna, Bihar.
7. The Principal, Government Polytechnic College, Barauni, Begusarai.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Ashok Kumar, Advocate
For Res. Nos. 4 & 5 : Mr. Vikas Kumar, Advocate
For Res. Nos. 1 to 3 : Mr. Shashi Shekhar Prasad Sinha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 05-10-2015

Order under challenge is dated 04.04.2013, which is

Annexure-8 to the writ application. By virtue of this order, the Bihar Combined Entrance Competitive Examination Board, Patna has cancelled the registration of the petitioner as a student of State Polytechnic, Barauni after State Police Laboratory of C.I.D. gave a conclusive finding and report that the handwriting of the petitioner in the O.M.R. sheet and sample handwriting obtained during the course of counseling does not match. Since the experts have given

an opinion against the petitioner, considering those materials, the impugned order contained in Annexure-8 came to be passed.

2. The main submission of the counsel for the petitioner is that he has completed the course of studies, cleared all the papers and after passing out, if his admission and registration is annulled, it will amount to a capital punishment being passed against the petitioner.

3. The other submission is that an expert's opinion is a weak kind of evidence and that alone cannot form the basis for coming to a conclusion of impersonation. The respondents should have produced the evidence like video recording etc. which could have clearly established whether it was the petitioner or somebody else who sat in the examination.

4. Unfortunately, there is no video recording available as is stand of the respondents. The only material available is the handwriting samples which was referred to the C.I.D., Bihar. They have given a very detailed report that how the two signatures and handwriting vary, that report has been annexed as Annexure-A to the counter affidavit filed on behalf of respondent no.3.

5. Merely because the petitioner has passed every year in the examination held by the State Polytechnic authorities, it



is not a proof that the petitioner did not beget admission by impersonation. Some doubts were raised at the threshold and, therefore, the admission granted to the petitioner was provisional and with a condition that the outcome of the enquiry as well as the opinion of the Police Laboratory, C.I.D., Bihar shall be clinching factor. The reports have no doubt come late. In the meantime, the petitioner has finished his course of studies but that by itself cannot create a right in his favour because the admission was given to the petitioner with a clear understanding that it will be subject to outcome of the forensic report.

6. There is no other material which could demolish the opinion of the Police Laboratory, C.I.D., Bihar. An expert's opinion can be assailed but for that there has to be an alternative opinion of authentic kind which can caste a doubt upon the report of an expert. There is nothing of that kind so far as the present writ application is concerned which could compel the Court to extend the benefit of doubt to the petitioner.

7. Learned counsel for the Board has tendered to the Court a compilation of various decisions rendered by either a learned Single Judge or even Division Benches in appeal over similar kind of disputes as well as challenge to an expert's opinion in such matters. The Courts have been reluctant to override the

opinion of an expert in absence of any other material to demolish the authenticity of such opinion.

8. This being the position, the Court is not inclined to interfere with impugned order dated 04.04.2013, contained in Annexure-8 merely on the ground that the petitioner has passed all the papers during the course of studies.

9. The writ is dismissed.

(Ajay Kumar Tripathi, J.)

Sanjay/NAFR

U			
---	--	--	--