

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4311 of 2016

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1. In the Matter of News report published in the Dainik Bhasker, Patna
Dated 29th February, 2016.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Army Recruitment Board, Muzaffarpur Wings.
3. Union of India, through its Secretary of Defence

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dinu Kumar, Advocate

For the Respondent No.1: Mr. Anjani Kumar, AAG-6

For the Respondent/s : Mr. S.D.Sanjay, Addl. S.G.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE SAMARENDRA PRATAP
SINGH**

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

4 27-04-2016 Heard Mr. Dinu Kumar, learned Counsel for the

petitioner, and Mr. Anjani Kumar, learned Additional Advocate

General No. 6, appearing for the State respondents. Heard also Mr.

S.D.Sanjay, learned Additional Solicitor General, appearing for

the Union of India.

This Public Interest Litigation was taken up *suo motu* by
order, dated 01.03.2016, which reads follows:

“This Court has taken *suo motu* notice on a
News item published in a Hindi daily “ *the Dainik
Bhaskar, Patna*” dated 29th February, 2016,
captioned “*Nakal ka Aisa Dar: Nange Badan Ka
Imtihan*”. From the said report, it appears that the



aspirants for the post of Clerks in the Army were forced to write their papers on 28th February, 2016, in almost naked condition, on the pretext to obviating cheating/copying in the written examination held for selection to the said posts at Muzaffarpur.

The photograph published in the newspaper, has made us to form a *prima facie* opinion that the action of the Director, Army Section Board, is in brazen violation of human rights and against human dignity. All the aspirants have been shown, in the photograph, to be wearing only briefs and nothing else, writing their papers in an open field.

After having taken *suo motu* notice of the said news item, the matter has been registered as public *interest litigation* under Article 226 of the Constitution of India and the news item has been treated as a writ petition.

Let the Union of India, through its Secretary of Defence, be impleaded as party respondent No.3 in the present proceeding. The Director, Army Recruitment Board, Muzaffarpur Wing, has already been arrayed as respondent No.2. Issue notice to Respondents No.2 and 3.

Rule is made returnable within one month.

No formal notice need be issued in the matter since Mr. S.D. Sanjay, learned Additional Solicitor General, appearing on behalf of the Union

of India, has accepted notice on behalf of respondent Nos. 2 and 3.

Put up this matter under the same heading on 5th of April, 2016, in order to enable Respondents No.2 and 3 to file their responses by way of counter affidavits”.

Pursuant to the notices issued, a supplementary counter affidavit has, now, been filed by the Union of India, wherein it has been averred to the effect, *inter alia*, that the manner in which the examination, in question, was conducted, is regretted and ought not to have been done. The affidavit also avers that the Ministry of Defence, Government of India, is in the process of reviewing and changing the pattern of written examination and would take necessary precaution to ensure that no such occurrence, which has been given rise to the present Public Interest Litigation, recurs.

In view of the above, we close this proceeding with direction to the respondents to ensure that human rights and human dignity are maintained, while conducting any process of recruitment by the Ministry concerned or any of its functionaries.

We place on record our appreciation for the assistance provided by Mr. Dinu Kumar, learned Counsel, who had brought to our notice, News Item, which has been given rise to this Public

Interest Litigation.

With such observations and directions, this Public Interest Litigation is disposed of accordingly.

(I.A. Ansari, ACJ)

(Samarendra Pratap Singh, J)

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