

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.63 of 2013

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1. The State of Bihar
 2. The Director General of Police, Government of Bihar, Patna
 3. The Additional Director General of Police, Police Head Quarter, Government of Bihar, Patna
 4. The Deputy General of Police (Personnel), Bihar, Patna
 5. The Deputy Inspector General of Police, Saran
 6. The Principal Secretary Department of Home, Government of Bihar, Patna
 7. The Principal Secretary (Personnel) And Administrative Reforms Department Government of Bihar, Patna
 8. The Superintendent of Police, Saran at Chapra
 9. The Station House Officer (S.H.O.) of Police Station Baniyapur District- Chapra

.... Appellant/s

Versus

1. Kalamudin Miya, S/O Late Ajmain Miya, R/O Village- Pithauria Taphat, P.S.- Baniyapur, District- Chapra
2. The Secretary, Bihar Staff Selection Commission, Bihar, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : None
For the Respondent/s : Mr. Yasraj Bardhan, Advocate
Mr. Vipin Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 22-04-2016

In spite of repeated calls, no one appears on behalf of the State. Learned counsel for the Staff Selection Commission is present.

We have gone through the judgment of the learned Singh Judge and see no reason to interfere.

The writ petitioner was an applicant for the post of

Sub-Inspector of Police in Bihar, pursuant to advertisement of the year 2004. He was selected but denied appointment by order dated 16.09.2010 on the ground that in his application he has not stated that he was accused in any criminal case. Petitioner pleaded that he had been made accused in two petty criminal cases, in both of which, he had already been acquitted on 30.07.2002 and 29.08.2003 i.e. long before even the advertisement was issued, muchless applications filed. Having been acquitted in those cases and there being no pending case in which he was accused, under bonafide impression he did not disclose this fact. Learned Single Judge referring to various decisions of the Apex Court including the case of State of Haryana and Ors. Vs. Dinesh Kumar, since reported in (2008) 3 SCC 222 allowed the writ petition and set aside the order dated 16.09.2010.

In the facts and circumstances, noted above, we see no reason to take a different view of the matter. This appeal is, thus, devoid of any merit. It is dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

AFR/NAFR	NAFR
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