

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11358 of 2013

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Bajrangee Kumar S/o Siyaram Dusad resident of village - Mow , P.O. Mow, P.S. Tekari, District – Gaya. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary Govt. of Bihar, Patna
 2. The Secretary, Central Selection Board (Constable Recruitment) Back Harding Road, Patna - 800001
 3. The President, Central Selection Board (Constable Recruitment) Back Harding Road Patna 800001
 4. Shri Sudarshan Prasad, Police Station Inspector, resident of Kasim Bazar, Police Station and District Monghyr
 - 5 Shri Arun Kumar Gupta, Police Inspector-cum-Officer-in-Charge Kankarbagh Police Station, District - Patna
 6. The Senior Superintendent of Police, Patna. Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Sudarshan Sharma, Adv.
For the State M/s Subhash Pd. Singh and Dilip Kumar
For the CSBC M/s I.P. Mandal, Sanjay Pandey, Binod Kr. Mishra and Vivek Anand Ambitesh .

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-09-2016

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner has applied for the post of Constable in pursuance of Advertisement no. 01/2012 and after successful completion in the written examination, he appeared for the physical test there it was found that he is completely an illiterate person, cannot read and write, arrived to a finding that some scholar has appeared in his place which led to filing of criminal case, vide Kankarbagh P.S. Case No. 174 of 2013, against the petitioner and other persons, who were found to be involved in impersonation and the said criminal case is still pending.

The counsel for the petitioner submits that the finding recorded by the authority that the petitioner cannot read and write, is

completely a perverse finding, as he has passed the intermediate examination in 2nd Division and has wrongly been deprived from the final test.

In paragraph 12 of the counter affidavit, it has been mentioned that in course of verification, it was found that the petitioner had no knowledge of writing and reading, as he was asked to write some words in Hindi and English, but he did not write the same correctly. On questioning by the said team, he accepted that he had not appeared in the written test and in his place, some scholar had appeared and due to this fact a criminate case was instituted against the petitioner and 60 others candidates.

In view of the disputed question of fact that the petitioner is an Intermediate, having sound knowledge of reading and writing which has been completely disputed and finding has been arrived to having no knowledge of writing and reading and for that a criminal case is pending, in such circumstances, it will not be proper for this Court to pass any order in favour of the petitioner.

Accordingly, this petition is dismissed.

The petitioner, if so advised, may move the proper Forum.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
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