

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3736 of 2011

Arising Out of C.A. Case No.3242 Year 2009 District- KATIHAR

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Ram Swarup Prasad, son of late Bhodi Ram, resident of village Mishrichak, P.O. Budhbara, P.S. Govindpur, Distt. Nawada.

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Jakir Hussain, son of late Imamuddin, resident of village Itwa, P.S. Dandkhora, Distt. Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the State : Mr. Sanjay Kumar, A.P.P.

For the Opposite Party No. 2 : Md. Rahmutallah

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-04-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 26.2.2010 passed by the Chief Judicial Magistrate, Katihar, in C.A. Case No. 3242 of 2009.

The case of the Complainant is that he belongs to most backward class of Muslim community and had applied for the post of teacher but by forging the merit list, the accused persons deleted his candidature. When he approached them, he was abused and assaulted.

It has been submitted on behalf of the Petitioners that appointments are always made as per procedure and there is nothing which would deter the Complainant had he qualified for the said post. All the documents show that the Complainant was not qualified for

that post.

Considering such aspect of the matter, the application is allowed and the Proceeding including the order of cognizance dated 26.2.2010 passed by the Chief Judicial Magistrate, Katihar, in C.A. Case No. 3242 of 2009, is hereby set aside.

S.Ali/-

(Anjana Prakash, J)

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	