

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14054 of 2015

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Sri Thakur Brijesh Ram Parvesh, Son of Sri Ram Pravesh Thakur, R/o village -
Shitalpur Baradih, P.O. Shitalpur, P.S. Chakia District - East Champaran.

.... Petitioner

Versus

1. The State of Bihar through Director, Science and Technology Department,
Government of Bihar, Patna
2. The Secretary, State Technical Education Board, Bihar, Patna
3. The Director, Forensic Science Laboratory (known as FSL), Bihar, Patna
4. The Examination Controller, Bihar Combined Entrance Competitive
Examination Board, Government of Bihar, IAS Association Building, Near
Patna Airport, Patna 14
5. The Special Work Officer, Bihar Combined Entrance Competitive Examination
Board, Government of Bihar, Patna
6. The Principal, State Polytechnic Chapara Situated at Madhaura (Saran)

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Manoj Kumar, Advocate Mr. Karandeep Kumar, Advocate
For the State	:	Mr. Gautam Bose, A.A.G.8 Mr. Sanat Kumar Mishra, A.C. to A.A.G.8
For Res. Nos.4 & 5	:	Mr. Vikas Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 12-07-2016

Order dated 21.07.2015, Annexure-4 to the writ application, is being challenged by the petitioner because by virtue of this decision, communicated to the petitioner under the signature of the Examination Controller of Bihar Combined Entrance Competitive Examination Board, the admission granted to the petitioner on the basis of the examination held in the year 2010 in State Polytechnic at Chhapra has been annulled.

2. From a reading of Annexure-4, the primary reason for such a drastic decision which has been taken by the respondent

authority is that a case for impersonation seems to have been made out against the petitioner after a suspicion was initially raised and then an expert's opinion was obtained from the C.I.D. in this regard.

3. Submission of the counsel for the petitioner is that the petitioner has completed his studies and he has consistently performed well through the period of studies. Now after having completed his studies, such a decision at such belated stage has the effect of ruining the future prospects of the petitioner. The petitioner will be left with no opening in life if the impugned order contained in Annexure-4 is not interfered with.

4. No doubt the impugned order does talk in detail about the reasons which compelled the Controller of Examination to pass an order against the petitioner annulling his admission at the threshold but the Court to be doubly sure directed respondent no.3, the authority of the State Examiner of Question Documents under the C.I.D., to file an affidavit and bring on record the opinion of the experts with regard to the material which was placed before them which forms the basis for issuance of Annexure-4. The detailed opinion has been annexed as Annexure-A to the counter affidavit of respondent no.3. The counter affidavit also explains the opinion which has been rendered by a set of two experts and the Court too has examined the specimen along with the disputed letters and words which do indicate a significant kind of

difference in the two handwritings.

5. Since there is no other material which can cast a doubt upon the opinion of the experts, which has been brought on record, it is difficult for this Court to brush aside such an opinion which has formed the basis for passing of Annexure-4. However, if the foundation of the decision is knocked out and the petitioner succeeds in doing so then may be he may have an opportunity to agitate the matter afresh. As of now, no interference is required with Annexure-4 with the evidence being what they are against the petitioner at this juncture.

6. Writ application is dismissed with the observation as above.

(Ajay Kumar Tripathi, J.)

SanjayKumar/-

AFR/NAFR	NAFR
CAV DATE	
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