

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13148 of 2008

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Mahadeo Yadav son of Sajjan Yadav, resident of village-Ghoradehi, P.S.-
Muffasil Arrah, District-Bhojpur.

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
2. Director General cum Inspector General of Police, Bihar, Patna
3. Inspector General, B.M.P., Patna.
4. Deputy Inspector General, Muzaffarpur.
5. Commandant, B.M.P.-13, Darbhanga.
6. Commandant B.M.P.-6, Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ebrahim Kabirm, Adv.
Shruti Sinha, Adv.

For the Respondent/s : Mr. G.P. Ojha, G.A.-7
: Mr. Gopal Krishna, A.C. to G.A.-7.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 04-02-2017

Heard learned counsels for the petitioner and
respondents.

The present writ application has been filed for
directing the respondents to verify the participation of the petitioner
from the videography of the physical test conducted for recruitment
of constables in BMP-6, in pursuance to the Advertisement No.
02/2004.

The factual matrix would unveil that Advertisement
no. 02/2004 was issued for recruitment of constables in BMP and in
pursuance to the same the petitioner applied for being considered to



be appointed in BMP-6, Muzaffarpur. Admit Card was issued to the petitioner bearing Roll No. 39238, and the petitioner appeared at the physical test in the year 2006. The petitioner qualified in the physical test securing 13 marks. On 16.07.2008 the petitioner was called for verification of the testimonials. The testimonials were found to be in order and thereafter the petitioner was called for medical test on 19.07.2008. During the medical test, the height of the petitioner was found to be 165.7 CM, whereas in the master chart prepared during the physical test, the height of the petitioner was recorded as 173 CM. The petitioner was denied appointment on the ground that there was a variation between the height recorded in the master chart and the height found during medical test, though, the petitioner was found qualified during medical test. The claim of the petitioner was also rejected by the respondent authorities on the ground that his photograph and signature in the application form did not, at all, tally with his photograph and signature in master chart and documents produced during medical test.

It is submitted by the learned counsel for the petitioner that the petitioner belongs to backward class category and for such category, as per advertisement, the minimum eligible height required was 165 CM and even as per the medical test the



petitioner's height was found as 165.7 CM. There is nothing on record to suggest that the signature and the photograph of the petitioner were tallied and verified by any expert. Hence, it is submitted that the claim of the petitioner has been rejected mechanically. The representation filed by the petitioner has also not been disposed of which has been admitted by the respondent no.6 in his counter affidavit.

Learned Counsel for the respondents submits that in the master chart, the height of the petitioner was recorded as 173 cm whereas during medical test it was found 165.7 cm. So far as verification and comparison of petitioner's signature and photograph in the application form to that of master chart as well the documents produced during medical test is concerned, it suggests that someone has impersonated the petitioner during physical test.

The counter affidavit further suggests that the representation of the petitioner has not been disposed of, as yet.

Considering the rival submissions of the parties, this Court is of the view that no documentary proof has been brought on record by the respondent no.6 that any verification, particularly of the videography done during physical test, was made for arriving at the conclusion that the petitioner got himself impersonated at the



time of physical test. This is also not in dispute that the representation of the petitioner is still pending and the same has not been disposed of till date. However, for an advertisement made in the year 2004, concerning which the recruitment was made in the year 2006, the writ application was filed only in the year 2008, whereas the recruitment process had already concluded long ago.

The writ application is, accordingly, disposed of with a direction to the respondent authorities to dispose of the representation of the petitioner if available with the respondent authorities, or in the alternative the petitioner is permitted to file a detailed representation within a period of four weeks of receipt/production of a copy of this order and the said representation is expected to be disposed of by respondent no.2 within a period of ten weeks thereafter, after getting entire issue verified and obtaining expert opinion. Needless to say that the entire exercise may not be taken up by the Director General of Police personally, but he may entrust some senior officer, for doing the needful in this regard.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13/04/2017
Transmission Date	N/A

