

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7181 of 2017

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Shiv Prakash Rai Son of Late Nageshwar Rai Resident of Village- Gali No. 2
Dhobighat Charitarwan, Buxar, P.S. - Town, P.S. - Buxar, District- Buxar

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
2. The Chief Secretary, Government of Bihar, Patna
3. The Director General of Police, Government of Bihar, Patna
4. The Bihar Staff Selection Commission through its Secretary, Veterinary College, Patna-14
5. The Union of India through Home Secretary, New Delhi
6. The Secretary, Department of Personal and Training, Union Government of India, New Delhi
7. The Director, CBI, New Delhi
8. The Station House Officer, Agamkuan Police Station, Patna
9. Jansatta through its Editor-in-Chief, Patna Edition, Patna
10. The Bihar IAS Association through its Secretary, Patna
11. Chief Minister, Govt. of Bihar, 1, Anne Marg, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinu Kumar, Advocate
For the State : Mr. Lalit Kishore, Advocate General
For C.B.I. : Mr. Bipin Kumar Sinha, SC

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-08-2017

This petition has been filed in Public Interest and it is the case of the petitioner that a direction be issued for conducting enquiry by the Central Bureau of Investigation (CBI, in short) with regard to leakage of question papers, manipulations and tampering in the selection process conducted by the Bihar Staff Selection Commission during the tenure of Shri Sunil Kumar, Ex-Chairman of



the Commission and various other officers. It is stated that these manipulations were committed with regard to certain recruitment conducted as detailed in the body of the petition. By pointing out various irregularities the prayer made is to cause an enquiry by CBI.

However, according to the counter affidavit filed by the State Government, it appears that for the issue in question F.I.Rs. have been lodged and with regard to the illegalities committed by Shri Sunil Kumar, then Chairman of the Commission and Shri C K Anil, then O.S.D., Agamkuan Police Station has already registered Crime Case No. 44/17, investigation into the matter has been concluded and the Chairman and other persons have been proceeded against and even arrested. Investigation by the Special Investigating Team has been conducted and charge-sheet Nos. 57/17 and 47/17 have already been filed in the court of competent criminal jurisdiction.

Shri Lalit Kishore, learned Advocate General, invites our attention to an order passed by this Bench on 03.08.2017 in CWJC No.4963 of 2017 (Rajesh Ranjan & Another vs. State of Bihar & Ors.) to say that identical writ petitions filed with regard to the same case have already been rejected by this Court finding no case made out for investigation by the CBI after relying upon the judgment rendered in the case of **State of West Bengal & Ors. Vs.**



The Committee for Protection of Democratic Rights, West Bengal & Ors. [(2010) 3 SCC 571] and Pooja Pal vs. Union of India & Ors. [(2016) 3 SCC 135].

We find from the counter affidavit and the material that has come on record that with regard to the issue in question the matter is being already investigated by Special Investigating Team and in certain cases charge-sheets have already been filed, the officers concerned have been dealt with and various actions have been taken including filing of challan in certain cases and the matter is sub-judice before the appropriate criminal court and the accused persons have also been arrested.

Paragraph 14 of the counter affidavit goes to show that following charge-sheets have been filed with regard to the issue in question :-

Charge-sheet No. 46/17 dt. 03.05.2017

Charge-sheet No. 47/17 dt. 07.05.2017

Charge-sheet No. 56/17 dt. 20.05.2017

Charge-sheet No. 57/17 dt. 22.05.2017

And, in all 31 accused persons are being prosecuted collectively in these charge-sheets.

That being the position, and this Court in CWJC No.4963 of 2017 (Rajesh Ranjan & Another vs State of Bihar &



Ors.) having already rejected the identical prayer, we see no reason to make any indulgence into the matter.

The writ petition is accordingly dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.08.2017
Transmission Date	N.A.

