

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11322 of 2014

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Sumit Kumar, S/o Shri Rajendra Kumar Singh, Resident of Village
- Siwana, P.O. Gurubazar, P.S. Barari, District – Katihar.

.... Petitioner/s

Versus

1. Bihar Combined Entrance Competitive Examination Board, IAS Association Building, Near Patna Airport, Patna - 14 through its Officer on Special Duty.
2. The OSD, Bihar Combined Entrance Competitive Examination Board, IAS Association Building, Near Patna Airport, Patna – 14.
3. The Controller of Examination, Bihar Combined Entrance Competitive Examination Board, IAS Association Building, Near Patna Airport, Patna – 14.
4. Aryabhatta Knowledge University, Patna through its Registrar.
5. The Controller of Examination, Aryabhatta Knowledge University, Patna.
6. The State of Bihar through the Director-In-Charge, Police Laboratory, Crime Investigation Department, Govt. of Bihar, Patna.
7. The OSD, Police Laboratory, Crime Investigation Department, Govt. of Bihar, Patna.
8. The Principal, Motihari Engineering College, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Ajoy Kumar, Adv. Mr./Mrs. Madhu Prasun, Adv.
For the State	: Mr. Sushil Kr. Singh, AC to AAG-10
For the BCECEB	: Mr. Vikas Kumar, Adv.



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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL JUDGMENT & ORDER

Date: 10-05-2017

The petitioner had appeared for Bihar Combined Entrance Competitive Examination-2010 and was declared successful. In order to obviate any chance of impersonation, at the time of examination, the Bihar Combined Entrance Competitive Examination Board (*hereinafter referred to as the 'BCECEB'*) had adopted a method of requiring the participants to write one paragraph at the time of examination in the OMR sheet. The candidates declared successful, on the basis of said written examination, were made to write the same paragraph at the time of counselling. In case any difference was evident between the two hand-writings, the matter was referred to the Forensic Science Laboratory (*hereinafter referred to as the 'FSL'*) for final opinion. Awaiting report of the FSL, the candidates were given provisional admission to the courses for which they were selected, after taking an undertaking that their admission shall be subject to final opinion of the FSL.

2. In case of the petitioner, who was selected for admission to B.Tech. Mechanical Engineering course in Motihari College of Engineering, Motihari, *prima facie*,



difference was detected between two hand-writings. He was given provisional admission after taking an undertaking that his admission shall be subject to final opinion of the FSL. The admission was allowed to the petitioner in the year 2010. The report of the FSL came in January, 2014. The said report fortifies the *prima facie* opinion of BCECEB that it was not the petitioner, who had appeared for the competitive examination rather he had made someone else to appear for the said examination by impersonation. Accordingly, by an order, dated 14.05.2014, issued by the Controller of Examination, BCECEB, the petitioner's candidature and his selection itself has been cancelled. The said order, dated 14.05.2014, is under challenge in the present writ application.

3. It is the case of the petitioner that the action of the BCECEB is arbitrary and unreasonable and is based on unproven opinion of the Police Laboratory, Crime Investigation Department, Government of Bihar.

4. Learned counsel, appearing on behalf of the petitioner, has submitted that after having pursued course for nearly three years, the authorities ought not to have cancelled his selection and candidature.

5. It is evident from Annexure-4 of the writ application that the petitioner himself had given an undertaking that if the final report of the FSL was adverse, his



admission will be treated as cancelled.

6. I do not find any illegality in the impugned order, in view of the facts which are not in dispute. The petitioner was given due notice before the action for cancelling his candidature was taken. There is no plea of violation of principles of natural justice. The Court does not find any fault in decision making process.

7. This application has no merit and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.05.2017
Transmission Date	

