

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 108 of 2015

=====

1. Vijay Kumar S/o- Sri Chaturi Poddar, Resident of Village- Mahamada,
P.O.- Pusa, Distt- Samastipur
2. Ramanand Kumar, S/o- Sri Ram Udit Prasad Singh, Resident of Village
+ P.O.- Lohan, P.S.- Ariari, Distt- Sheikhpura
3. Baliram Kumar, S/o- Late Bhagirath Singh, Resident of Village+ P.O.-
Agwanpur, P.S. – Barh, Distt- Patna

.... Petitioners

Versus

1. The Bihar Agricultural University, Sabaur, Bhagalpur through its
Registrar
2. The Vice Chancellor, Bihar Agricultural University, Sabaur, Bhagalpur
3. The Registrar, Bihar Agricultural University, Sabaur, Bhagalpur
4. The Director (Administration), Bihar Agricultural University, Sabaur,
Bhagalpur
5. The Deputy Director (Administration), Bihar Agricultural University,
Sabaur, Bhagalpur
6. The In-charge Officer (Appointment), Bihar Agricultural University,
Sabaur, Bhagalpur
7. The Selection Committee for driving skill test, Bihar Agricultural
University, Sabaur, Bhagalpur through its Chairman
8. The Chairman, Driving Skill Test, Bihar Agricultural University, Sabaur,
Bhagalpur

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Onkar Kumar
For the Respondent/s : Mr. Anil Kumar Upadhyay
Mr. Chandra Mohan Singh

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 23-01-2017 Heard Sri Onkar Kumar, learned counsel for
petitioners and Sri Anil Kumar Upadhyay, learned counsel
assisted by Sri Chandra Mohan Singh, learned counsel for the
respondent/Bihar Agriculture University (for short “University”).

Three petitioners have approached this Court invoking
its writ jurisdiction under Article 226 of the Constitution of India,



with a prayer for quashing the result of the Driving Skill Test, which was published, vide **Annexure – 1** to the writ petition. By the said notice, persons, who qualified in Driving Skill Test, were asked to participate in interview. It has also been prayed to direct the respondents to conduct fresh Driving Skill Test of Drivers against Advertisement No. 01/2014 in the Bihar Agriculture University. Besides this, a prayer has been made for direction for investigation by C.B.I. or Vigilance Department regarding use of unfair means and irregularities committed in the driving test.

Petitioners have claimed that in the University, they were discharging their duties as Driver since long, however; selection process was initiated for appointment of Drivers and thereafter, the petitioners alongwith others participated in Driving Skill Test. Allegation has been made that in the skill test, several illegalities and irregularities were committed and in an arbitrary manner, specified persons were shown as selected in the Driving Skill Test. On this very ground, aforesaid relief has been sought for in the writ petition.

Learned counsel for the petitioners, by way of statement made in the writ petition, submits that since earlier petitioners had approached this Court for participation in the selection process, therefore, *malafidly* they have been declared



unsuccessful by the authority concerned.

In this case, a counter affidavit has been filed on behalf of the respondent/University and a specific stand has been taken that for the purposes of conducting Driving Skill Test, the University had requested the District Magistrate for deputing officials of the Transport Department to conduct the skill test. It has been clarified that skill test was conducted by a committee comprising of the District Transport Officer as well as Motor Vehicle Inspector deputed by the Collector. According to University, the University has proceeded on the basis of list prepared by the committee deputed by the Collector and there is no question of using any unfair means on the part of the University.

Besides hearing, I have also perused the materials on record. Ofcourse, in the writ petition, it was alleged that illegality was committed, but no specific instance has been indicated. Only, a vague allegation has been made in the petition regarding the illegality committed in the selection test. Moreover, Sri Upadhayay, learned counsel for the University submits that after issuance of Annexure – 1 i.e. copy of result of Driving Skill Test, personal interaction/interview was conducted and thereafter, final select list was prepared and appointment process has already been



completed.

In view of the fact that there is no specific accusation, save & except vague allegation as well as the fact that skill test was got conducted by an expert body, there is no reason to further go into the matter.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

Anay

U			
---	--	--	--

