

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.942 of 2014

In

Civil Writ Jurisdiction Case No.3754 of 2014

1. The Secretary, Examination Controller, Bihar Combined Entrance
Competitive Examination Board, IAS Association Building, Near Airport,
Patna- 14 Appellant/s

Versus

1. Amrish Kumar, Son of Anil Choudhary, Resident of Village- Amarapur,
P.O. Alinagar Pali, P.S. Kakpali, District Jehanabad
..... Petitioner/ Respondent

2. The State of Bihar through the Secretary Education, Government of Bihar,
Patna

3. The Principal, New Government Polytechnic, Patna-13

4. The Secretary, Department of Science and Technology, Bihar, Patna

... .. Respondents/ Respondents

Appearance :

For the Appellant/s : Mr. Prasoon Sinha
For the State : Mr. Sunil Kumar, AC to GP 11
For the Pvt. Respondent : Mr Shashi Bhushan Kumar
Ms Arti Kumari

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 31-08-2017

The Secretary, Examination Controller, Bihar Combined Entrance
Competitive Examination Board is the appellant in the present Letters
Patent Appeal. The appeal was preferred against the order dated
13.03.2014 passed in CWJC No.3754 of 2014 by a learned Single Judge
where a direction was issued to publish the result of the private
respondent and issue necessary marks- sheet, pass certificate, college
leaving certificate etc.. This direction was issued after quashing the
order of the Examination Controller dated 15.01.2014 by which the



very admission of the private respondent in the Polytechnic was annulled on the basis of suspected impersonation.

When the appeal was taken up, the earlier Division Bench in its wisdom decided to refer the three hand writings in question to the Central Forensic Science Laboratory, New Delhi for their expert opinion. The expert's opinion has now been rendered in the letter dated 10.08.2017 under the signature of the Director, CFSL (CBI), New Delhi. The two experts, who have signed the report, have given their scientific reason for their conclusion. They have observed that there are no fundamental difference between questioned documents and the standard writings and the signatures of the sample. In other words, both the sample and the suspected signature and the writing, which formed the basis for cancellation of the admission of the private respondent, have been attributed to one and the same person.

In view of the above, the decision of the learned Single Judge is not required to be interfered with and the appeal is fit to be dismissed.

Before parting, however, the Court cannot hold itself back from commenting that there seems to be intrinsically wrong with the so-called experts, whose services have been taken by the appellant and obviously their skill, qualification and their capability is under serious doubt. The submission on the part of the private respondent's counsel that because of such casual approach as well as unworthy kind of report, which have been furnished, not only his career has been jeopardized



and delayed but even the mental trauma and anguish which he and his family has undergone, should be taken note of.

The Court is in agreement with such submission and, therefore, directs the Director General of Police, Bihar to look into the matter and have a review of the two experts, who had rendered their opinion, if they are still in service i.e. Dr. Sharda Nand Singh and Raju Choudhary, whether they are fit to be continued in the service as experts and State Examiner of Questioned Documents. This order has been passed in the background that their opinion was under question and the reason for the litigation. The experts opinion received from CFSL (CBI), New Delhi casts a shadow on their opinion.

The Court leaves it open to the private respondent as to what kind of compensation he may look forward to against the persons responsible for creating and causing the hardship which he had had to undergo.

The appeal is dismissed with the observation as above.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

sk

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.09.2017
Transmission Date	NA

