

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3889 of 2016

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1. Ripunjay Kumar Sinha S/o Ganesh Dutta Prasad, Resident of Village - Naudiha, P.S. Khijersarai, District - Gaya.
 2. Priyanka Singh, D/o Vijay Bahadur Singh, Resident of 76/7, NJeemsarai Mundera, P.S.- Dhoomanganj, District - Allahabad U.P.
 3. Anulica Kumar, D/o Mr. Cyprus Kumar, C/o Mr. Shashi Bhushan Marandi, Resident of Chano Road, Hearunganj, P.S. Sadar, District - Hazaribag, Jharkhanbad.
 4. Sandeep Singh, Son of Sri Sonpal Singh, Resident of B 67, Gali no. 1, Premnagar, Line Par, P.S. - Majhaua District - Moradabad, U.P.
 5. Satish Kumar, S/o Surendra Prasad Singh, Resident of Ramkosha More, Laxmipur, P.S. Ayer Arrah, District Bhojpur, Bihar.
 6. Nitu Pandey, D/o Sr. Vijayashankar Pandey, Resident of House No. 525, Manas Vihar, P.S. Indira Nagar, District - Lucknow, U.P.
 7. Ashu Kumar Jha, S/o Late Tara Nath jha, Resident of Village - Khajuraha, P.S. Sonbarsa Raj, District - Saharsa.
 8. Arti Kumari, D/o Bhagwan Das Dohre, Resident of Type III 3/32, Kendranchal Coloney, P.S. - Dhoomanganj, District - Allahabad U.P.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Bihar, Patna.
2. The Principal Secretary, Department of Home, Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Additional Director General of Police, Crime Investigation Department, Bihar, Patna.
5. The Inspector General of Police, Crime Investigation Department, Bihar, Patna.
6. The Director, Forensic Science Laboratory, Bihar, Patna.
7. The Bihar Staff Selection Commission, Patna through its Secretary.
8. The Chairman, Bihar Staff Selection Commission, Patna.
9. The Secretary, Bihar Staff Selection Commission, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Jha, Sr.Adv. Mr. Sanat Kumar Mishra
For the Respondent/s	:	Mr. Satya Prakash, A.C. to S.C.22 Mr. Satyam Shivam Sundram, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 07-11-2017

Heard Mr. Anil Kumar Jha, learned Senior counsel for the



petitioner with Mr. Sanat Kumar Mishra, Advocate on record, learned counsel for the State and Mr. S.S. Sundram, learned counsel appearing for the Bihar Staff Selection Commission (hereinafter referred to as the 'Commission')

With the consent of the parties the writ petition has been heard with the view to final disposal at the stage of admission.

Eight petitioners have joined this writ petition to question the merit list published by the respondent- Commission for appointment to the post of Senior Scientific Assistant inter alia on grounds that their names do not figure in the merit list and the reason assigned by the Commission for such exclusion is that the institutions from where the eligibility qualification is possessed by these petitioners, is not amongst the institutions recommended by the State Government as valid qualification for consideration of their case for such appointment.

The petitioners have accordingly prayed for issuance of a writ in the nature of mandamus commanding respondent No.7 to 9 i.e respondent Commission along with its Chairman and Secretary to recast the result in consideration of the valid candidature of the petitioners on their possessing a Master in Science (Forensic Science) qualification from the Amity University, Uttar Pradesh, Allahabad and the Agriculture Institute- Deemed University/Sam Higginbottom



Institute of Agriculture, Technology and Science, Allahabad.

Facts lie in a very narrow compass and it is the case of the petitioners that since the list of institutions recommended by the State to the Commission, whose degree was recognized for appointment on the post of Senior Scientific Assistant did not include the institution(s) in question from where the petitioners had obtained their qualification that resultantly the name of these petitioners did not figure in the merit list so published by the Commission on 5.2.2016 for the post of Senior Scientific Assistant. According to the petitioners, the fact is that the institution in question are recognized.

It is not in dispute that the exercise so undertaken for appointment, was stayed by a Bench of this Court in a proceeding arising from C.W.J.C.No.15231 of 2015. The issue raised in the said writ petition was referred to the Full Bench on the issue of grant of marks on experience. The full bench on answering the reference remitted the matter to the Division Bench. The said writ petition was dismissed by the Division Bench vide judgment and order passed on 11.8.2017 and consequently, the stay order was vacated.

A reference to the said proceeding has been made before this Court to confirm that the selection process in question stood inconclusive. It is during this period that these petitioners came before this Court and although a stand was taken by the Commission that a



merit list has been prepared and recommended but since it had not attained finality that the opinion of the State Government on the issue was asked and when a counter affidavit has been filed by the respondents 3 to 5 i.e. the Director General of Police, Patna, the Additional Director General of Police and the Inspector General of Police, CID.

Mr. Jha learned Senior counsel appearing for the petitioners has invited the attention of this Court to the position discussed at paragraph 6 of the counter affidavit to submit that the confusion whatsoever that was prevailing in the mind of the Commission which led to the non inclusion of the petitioners inter alia on grounds of not possessing a valid qualification, is put to rest. Learned counsel submits that paragraph 6 of the counter affidavit clearly admits that the institutions in question are recognized but since the list forwarded to the Commission did not include these institutions hence vide letter dated 20.4.2016, the Home (Police) Department has directed the ADG, CID to obtain the list from the Director, Forensic Science Laboratory and also to explain the lapse in not including the institutions, in the list of institution forwarded to the Commission vide letter no. 44 dated 21.1.2016.

The position is also admitted by the Staff Selection Commission in paragraphs 7 and 8 of the counter affidavit so filed on



their behalf in which they have accepted that it is on account of the erroneous information given by the Director, Forensic Science Laboratory in not including these institutions which has led to the grievance so raised.

A supplementary affidavit filed on behalf of the Commission today reflects that certain queries had been made by the Commission before the department of which 2 issues at item 9 and 11 yet remain pending as manifest from Annexure 'J'. A cursory glance of Annexure 'J' would confirm that these are issue other than the issue engaging this Court in the present writ petition. The delayed publication of result is attributed to the inter correspondence between the respondent No.2 and 5 on issues other than those raised herein and have no bearing on the relief so prayed by the petitioners in the writ petition.

In the circumstances discussed, it is apparent that the petitioners have been wronged.

Having heard learned counsel for the parties and taking note of the admitted position available on the record of the proceedings that the institutions from where these petitioners have obtained their M. Sc (Forensic Science) qualification, is recognized by the State Government and in view of the admitted lapse by the Director, Forensic Science Laboratory in not including these institution while



forwarding the list vide letter no. 44 dated 21.1.2016 which position stands admitted by the respondent Nos. 3 to 5, the candidature of these petitioners on their eligibility qualification is held valid. Accordingly, the Commission is directed to accept the candidature of the petitioners and recast the merit list after taking note of the candidature of these petitioners and those similarly placed.

The writ petition is allowed with the directions above.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.11.2017
Transmission Date	NA

