

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10200 of 2016

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Md. Khurshid Alam @ Md. Kud Alam S/o Md. Abbas Ansari Resident of Village-
Robai, PO. Branathu, P.S Karpi, District Arwal (Bihar)

.... Petitioner

Versus

1. The Union of India through the Assistant Director (Sepahi) (C.T/ G.D.) Government of India, Staff Selection Commission (Central Region) 21-23 loudar Road Allahabad-21100211
2. The Assistant Director (Sepahi) (C.T/ G.D.) Government of India, Staff Selection Commission (Central Region) 21-23 loudar Road Allahabad-21100211
3. The Public Information officer, Central Region, Govt. of India, Staff Selection Commission (CR) 21-23 Loudar Road ,Allahabad 2110021
4. The State of Bihar through the D.M. Arwal.
5. The Sub Divisional Officer Arwal, Distt Arwal.
6. The Anchal Aladhikari , Karpi District Arwal Bihar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Syed Md. Najmul Bari, Adv.
For the Respondent/s : Mr. Vishwa Ranjan Choudhary, AC to SC-27
For UOI : Mr. S.D.Sanjay, Addl. S.G.
Mr. Anjani Kumar Sharan, CGC

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 15-05-2017

Heard Mr. Syed Md. Najmul Bari, learned counsel for the petitioner, Mr. Anjani Kumar Sharan, learned Central Govt. Counsel for the Union of India and Mr. Vishwa Ranjan Choudhary, AC to SC-27 for the State.

The writ petition was filed seeking, inter alia, a direction to the respondent authorities to consider the grievance of the petitioner relating to appointment on the post of Constable.

The grievance of the petitioner is that he responded to an advertisement issued by the respondent Staff Selection Commission



for recruitment on the post of Constable and appeared at the written test and physical test. The case of the petitioner is that he qualified in the examination. A copy of the result is placed at Annexure 2 to the writ petition with the name of the petitioner appearing at the top of the list. However, his matter was referred to the Headquarters. Certain queries were made from the petitioner to which he responded and finds mentioned in the writ petition but the exercise did not result in favour of the petitioner, rather vide letter dated 14.7.2015 impugned at Annexure 6 the petitioner was informed that his candidature has been cancelled. The said letter is accompanied with two show cause notices dated 25.8.2014 and 23.9.2014 requiring the petitioner to be present before the Committee to satisfy certain objections mentioned in the notice. The petitioner immediately responded to by filing a representation to the Assistant Director vide Annexure 7 informing him that no information of any kind nor any letter was received at his address requiring his presence before the Committee. The petitioner prayed for giving an opportunity to explain the objections but no action was taken and feeling aggrieved he is before this Court.

A counter affidavit is filed and while admitting to the sequence of events it is mentioned at paragraph 7 that the authorities detected or difference in handwriting and the signature of the petitioner in the papers and for which he was directed to appear before



the competent authority when the signature was obtained from the petitioner. It is further mentioned that to examine the deficiency that the Staff Selection Commission, Allahabad constituted a four member Committee to issue a show cause notice to the candidates including the petitioner, copies of which are enclosed at Annexures 6/1 and 6/2 to the writ petition but the petitioner failed to submit his reply. Such statement is made in paragraphs 10, 11 and 12 to the counter affidavit. It is contended that since the petitioner did not chose to respond, hence by the order dated 14.7.2015 the petitioner was informed regarding cancellation of his candidature and copy of which is present at Annexure 6 to the writ petition. The petitioner has responded to the statement at paragraph 11 of his rejoinder mentioning clearly that the show cause notices were never received by him. In fact this is the stand taken by the petitioner in his representation present at Annexure 7. However, the authorities have not bothered to believe the petitioner.

There is nothing on record of the proceedings or in the counter affidavit so filed on behalf of the respondent Union of India to demonstrate that the show cause notice present at Annexures 6/1 and 6/2 to the writ petition were served on the petitioner. In other words, the order of cancellation of candidature of the petitioner is ex-parte without giving opportunity of hearing and even though the attention of the respondents was drawn by the petitioner vide Annexure 7



where he has specifically pleaded as such but the same has been ignored.

In the nature of the dispute that transpires from the pleadings and not contested, I deem it proper to direct the Assistant Director (respondent no.2) and/or the competent authority concerned at Allahabad to consider the grievance of the petitioner and afford him reasonable opportunity to clarify the stand and pass appropriate order in accordance with law within a maximum period of six weeks from the date of receipt/ production of a copy of this order which the petitioner would place alongwith a detail copy of representation.

The writ petition is allowed with the directions aforementioned.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.05.2017
Transmission Date	NA

