

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2763 of 2017

1. Vishwajeet Das, son of Shyam Prasad Das, resident of village- Vivekanand Nagar, Dharamganj, P.O & P.S.- Kishanganj, District- Kishanganj.
2. Khirat Kumar Singh, Son of Nagar Singh, Resident of Dangibari, P.O.- Patharia, P.S. Galgalia, District- Kishanganj.
3. Guddi Kumari, daughter of Arjun Lal Saha, Resident of Village- Dharamshala Road, P.S. & P.S.- Kishanganj, District- Kishanganj.
4. Madhumita Singh, daughter of Arun Kumar Singh, resident of at Line, Jhulan Mandir, P.O. & P.S.- Kishanganj, District- Kishanganj.
5. Laxmi Prasad Singh, Son of Anant Lal Singh, Resident of Village- Benugarh Gachh, Bel Bari, P.O.- Matiyari, P.S.- Terhagachh, District- Kishanganj.
6. Sunita Kumari, Wife of Suraj Kumar Modi, resident of at Thakurbari Road, P.O. & P.S.- Kishanganj, District- Kishanganj.
7. Kaveri Kumari, daughter of Mriga Kumar Singh, resident of Village- Kalika Danga, P.O. & P.S.- Piprithan, Via- Thakurganj, District- Kishanganj.
8. Rinku Kumari, daughter of Ravindra Roy, resident of Village- Kalika Danga, P.O. & P.S.- Piprithan, Via- Thakurganj, District- Kishanganj.
9. Beauti Kumari Chaudhary, daughter of Bhavesh Chaudhry, resident of at Teachers Colony, P.O. & P.S.- Thakurganj, District- Kishanganj.
10. Shahr Banu, Daughter of Saidul Rahman, resident of at Baghmara, P.O. & P.S.- Kishanganj, District- Kishanganj.
11. Govind Jee Jha, Son of Hare Krishna Jha, Resident of at Near Inter High School, Day Market, P.O. & P.S.- Kishanganj, District- Kishanganj.



12. Srinandan Yadav, Son of Yogendra Prasad Yadav, Resident of Village- Dulalganj, P.O.- Hafanea, P.S.- Amour Via- Baisi, District- Purnea.
13. Joti Kumari, Daughter of Shiv Kumar Sah, Resident of at Linepara Mahavir Sthan, P.O. & P.S.- Kishanganj, District- Kishanganj.
14. Devanand Prasad Ganesh, Son of LT. Bhim Lal Ganesh, Resident of At & P.O.- Tulsia, Via- Bahadurganj, District- Kishanganj.
15. Kavita Kumari, daughter of Babulal Ganesh, Resident of Village + P.O. + P.S.- Thakurganj, District- Kishanganj.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The Mission Director, Bihar Administrative Reforms Mission Society, General Administration Department, Government of Bihar, Patna.
3. The District Magistrate, Kishanganj.
4. The District Magistrate, Purnia.
5. The District Magistrate, Araria.
6. The Additional Collector, Kishanganj.
7. The District Establishment Deputy Collector, Kishanganj.
8. Jai Narayan Yadav, son of Sampat Lal Yadav, at office of the District Magistrate, Kishanganj, P.O. & P.S.- Kishanganj, District- Kishanganj.
9. Deepak Kumar Jha, Son of Prabhu Nath Jha, at office of the District Magistrate, Kishanganj, P.O. & P.S.- Kishanganj, District- Kishanganj.
10. Brijesh Kumar Mandal, Son of Jageshwar Mandal, at office of the District Magistrate, Kishanganj, P.O. & P.S.- Kishanganj, District- Kishanganj.
11. Pritam Kumar, Son of Dharendra Gupta, at office of the District Magistrate, Kishanganj, P.O. & P.S.- Kishanganj, District- Kishanganj.
12. Mukesh Kumar Gupta, Son of Fuleshwar Gupta, at office of the District Magistrate, Kishanganj, P.O. & P.S.- Kishanganj, District- Kishanganj.
13. Rahul Kumar, son of Yashir Das, at office of the District Magistrate, Kishanganj, P.O. & P.S.- Kishanganj, District- Kishanganj.



14. Gautam Kumar Sinha, Son of Dwijendra Kumar Sinha, at office of the District Magistrate, Kishanganj, P.O. & P.S.- Kishanganj, District- Kishanganj.
15. Babul Kumar Basak, son of Binod Basak, at office of the District Magistrate, Kishanganj, P.O. & P.S.- Kishanganj, District- Kishanganj.
16. Tamal Das, son of Govindo Das, at office of the District Magistrate, Kishanganj, P.O. & P.S.- Kishanganj, District- Kishanganj.
17. Md. Wasim Akram, Son of Md. Nazir Uddin, at office of the District Magistrate, Kishanganj, P.O. & P.S.- Kishanganj, District- Kishanganj.
18. Pankaj Kumar, Son of Naresh Paswan, at office of the District Magistrate, Kishanganj, P.O. & P.S.- Kishanganj, District- Kishanganj.
19. Ranjan Kumar Das, Son of Santosh Kumar Das, at office of the District Magistrate, Kishanganj, P.O. & P.S.- Kishanganj, District- Kishanganj.
20. Md. Tabrej Alam, Son of Md. Tajmul Alam, at office of the District Magistrate, Kishanganj, P.O. & P.S.- Kishanganj, District- Kishanganj.
21. Bhola Shankar Singh, Son of Birbal Singh, at office of the District Magistrate, Kishanganj, P.O. & P.S.- Kishanganj, District- Kishanganj.
22. Upendra Narayan Singh, Son of Rabindra Kumar Singh, at office of the District Magistrate, Kishanganj, P.O. & P.S.- Kishanganj, District- Kishanganj.
23. Vinay Kumar Saha, Son of Vijay Kumar Saha, at office of the District Magistrate, Kishanganj, P.O. & P.S.- Kishanganj, District- Kishanganj.
24. Neha Kumari, Daughter of Kashi Prasad, at office of the District Magistrate, Kishanganj, P.O. & P.S.- Kishanganj, District- Kishanganj.
25. Shyam Kumar Singh, Son of Mahendra Prasad Singh, at office of the District Magistrate, Kishanganj, P.O. & P.S.- Kishanganj, District- Kishanganj.
26. Ashok Kumar, son of Bishwanath Prasad, at office of the District Magistrate, Kishanganj, P.O. & P.S.- Kishanganj, District- Kishanganj.
27. Naveen Kumar Bosak, Son of Jhari Lal Bosak, at office of the District Magistrate, Kishanganj, P.O. & P.S.- Kishanganj, District- Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar, Advocate



For the Respondent/s : Mr. P.K. Verma- AAG-3

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 05-10-2018

Heard learned counsel for the petitioners and learned counsel for the State.

2. In this case, the petitioners are claiming their appointment as Executive Assistant, in which one of the criteria for selection that a person must have a knowledge of computer typing and he must be able to type 40-45 words in a minute. A merit list of 100 candidates, who had passed the examination, was prepared, but later on, the information and the material were received by the Collector that the entire process of selection was bogus. In pursuance thereof, the selection was cancelled. Whereafter, a fresh test was conducted, in which the petitioners have appeared in the test and out of 100 persons only 20 persons have qualified in the test.

3. It appears from the record that the person who was not knowing the computer was declared top in the said list. Learned counsel for the petitioners submits that with respect to the petitioner no.14, as per the information, his name is standing at serial no.4 in the merit list in his category but he has wrongly been deprived of selection.



4. Even if a person is at serial no.4 in the merit list, but the thing has to be seen whether he was able to type the minimum words in one minute as fixed by the Commission.

5. It is a serious fact that has come in this case, in the first round, the panel was prepared of those candidates who do not possess the minimum level of skill. This Court directs the Collector to examine case of these petitioners and take decision in accordance with law as it has been claimed by them that they have wrongly been deprived of selection. It is made clear that if a person fails to secure the minimum qualifying marks in his category, if he is not in a position to cross the minimum hurdle of typing test, in such circumstance, he cannot be appointed or could not be foisted to the institution as it will be nothing but carrying a burden by the institution not to be an asset to the institution.

6. As serious fact emerges that the persons who were posted to conduct first round of examination, recommended candidates were found to be bogus, meaning thereby those who are selected have hatched the conspiracy and connived with those persons, who have prepared the select list of 100 persons and declared a person, who was even not knowing the computer, as topper of the list. It requires that



serious action should be taken against them. Hence, this Court directs the Commissioner, Purnea Division, to hold an inquiry in the matter and the person found(s) involved in such an incident, must be proceeded legally i.e. departmentally as well as they must face criminal proceeding.

7. Let the inquiry should be completed by the Commission, Purnea Division, Purnea within three months from the date of receipt/production of a copy of this order. After completion of inquiry, the Commissioner would submit a report to this Court for its perusal. Let a copy of this order be communicated to the Chief Secretary, Government of Bihar, Patna also.

8. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	13.10.2018
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