

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5246 of 2019

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Chandan Kumar Gupta, aged about 24 years, Male, Son of Ram Pravesh Gupta, Resident of Village-Lewra, P.S. Nokha, District-Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Chairman, Central Selection Board (Constable Appointment), Sri Sai Tara Complex, I.S. Colony, Jawaharlal Nehru Road, Patna.
3. The Director General of Police, Sardar Ballabh Bhai Patel Bhawan, Bailey Road, Patna.
4. The Superintendent of Police, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajive Ranjan Singh, Adv.
For the State	:	Mr. AC to SC-10
For the CSBC	:	Mr. Sanjay Pandey, Adv.
		Mr. Binod Kumar Mishra, Adv.
		Mr. Vivek Anand Amritesh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 15-04-2019

The petitioner, who was an aspirant for being appointed as Constable/Driver, is aggrieved by the decision of the respondent/Board to fail him in the test which was conducted for the selection.



2. While approaching this Court, the petitioner thought it prudent to seek a direction for production of C.C.T.V. footage of the test for determining whether such test was conducted fairly. It is the further case of the petitioner that he was wrongly ousted from participating in the 3rd, 4th and 5th stages of test and was only made to give his test for jeep driving and car driving. It has been urged that if he is made to appear before the authorities to demonstrate his driving skills, he shall surely be successful and which would be indicative of the process of selection being unfair.

3. Mr. Sanjay Pandey, the learned counsel for the Central Selection Board (Constable Appointment), has submitted from the records that when the petitioner was not successful in the test of car driving, he was marked 'zero' for the same and the petitioner signed on such sheet containing the marks obtained by him. It was precisely for this reason, viz., the petitioner having failed in the test of car driving, that he was not allowed to participate in the other stages of test. The C.C.T.V. which was installed at the centre of the



examination/test was for the purposes of preventing/tracking any outside interference and, therefore, the focus of the camera was not kept on the candidates. In that event, Mr. Pandey, learned Advocate, has stated that even if such prayer of the petitioner of summoning the C.C.T.V. footage be allowed, it will not give any insight to this Court with respect to the fairness of the examination/test, which was conducted.

4. It has further been submitted that in all the stages of test, Class-I Gazetted employees of the Government were placed to oversee that the examination/test is conducted fairly and merely because the petitioner has failed in one part of the test, it would not be open for him to challenge the entire process as being unfair.

5. This Court finds no merit in the petition, especially in view of the fact that the appointment process has been completed and a large number of Constables/Drivers have been appointed. As such, this Court finds the prayer made on behalf of the petitioner to be untenable.



6. The petition is, accordingly, dismissed.

7. In case, any fresh appointment process is undertaken by the Central Selection Board (Constable Appointment), it is needless to the state that if the petitioner applies, no disqualification shall attach to his candidature, if he is otherwise eligible.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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