

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8964 of 2015

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Sandra Bhaskar Bharti S/o Sri Bhupendra Yadav Singh, R/o- Daharia, P.S.-
Chhatapur, Dist- Supaul.

... .. Petitioner

Versus

1. The State Of Bihar through the Secretary, Dept. of Home Bihar Patna
2. The Secretary Dept. of Home, Bihar, Patna.
3. The Director General of Police, Head Quarter, Old Secretariat, Patna, Bihar.
4. The Secretary, Central Selection Board Council, Bihar, Patna.
5. The Chairman, Central Selection Council, Bihar, Patna.
6. The Officer on Special Duty, Central Selection Board Council, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Amresh Kumar Sinha
For the State	:	Mr. H.S.Goldic, AC to GP 6
For CSBC	:	Mr. Sanjay Pandey, Mr. Binod Kumar Mishra Mr. Vivek Anand Amritesh

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-09-2019 Writ petition has been filed seeking direction upon the respondent authorities to permit the petitioner to participate in the Physical Evaluation Test (PET for short).

It is submitted by Counsel for the respondent Board that on account of using unfair means, which was duly admitted by the petitioner in his application dated 27.3.2015, he has been declared disqualified in the process of selection.

The averments made in the counter affidavit have not been denied or disputed by filing any rejoinder though copies were served on petitioner's Counsel on 7.10.2015.

It is submitted by Counsel for the petitioner that Annexure 'D' i.e. his application dated 27.03.2015 has been obtained from him under compulsion. In the writ petition, however the petitioner has suppressed the relevant and material fact of his express admission regarding use of unfair means. The petitioner has not approached the



equitable jurisdiction of this Court under Article 226 of the Constitution of India with clean hands. On this ground alone writ petition is fit to be dismissed. Other than oral submission of petitioner's counsel there is no affidavit denying the specific assertions made in the counter affidavit.

In view of petitioner's disqualification on the ground of his confession of using unfair means, which is not denied or disputed, this Court does not consider exercising jurisdiction in favour of the petitioner under Article 226 of the Constitution of India as no legally enforceable claim has been made out.

The writ petition is dismissed.

(Madhuresh Prasad, J)

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