

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14082 of 2018

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1. Kundan Kumar S/o-Vashishth Roy, R/o-Kuari Buzurg, P.O.-Hazipur, P.S.-Ganga Bridge, District-Vaishali.
 2. Anil Kumar, Son of Radheshyam Rai, Resident of Paik Tola, P.S.-Dumara, District-Sitamarhi.
 3. Harishankar Kumar, Son of Parmeshwar Mandal Resident of Vill+Post-Benipatti, P.S.-Benipatti District-Madhubani.
 4. Chandra Shekhar Kumar, Son of Mohan Sah Resident of Kattenawa (Near Rajkiya Prathmic School, Bakhtaura) P.O.-Adapur, East Champaran.

... .. Petitioner/s

Versus

1. The Government Of India Ministry of Home Affairs through its office of the Director General, Sashastra Seema Bal, East Block V, R. K. Puram, New Delhi
2. The Director General, Sashastra Seemna Bal, East Block-V, R.K. Puram, New Delhi.
3. The Inspector General, Frontier Headquarter, Sashastra Seema Bal, Rukanpura, Bailey Road Patna Bihar
4. The Nodal Officer ARC, Frontier Hqr., SSB, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Uday Prakash Shrarma, Adv.
For the Respondent/s : Mr. S.D Sanjay Addl. Soc. Gen.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 28-01-2019

Heard the learned counsel for the parties.

The petitioners allege that they have not been selected in the final merit list, not because of any other fact, but because of the result having been tampered with, so as to favour some of the applicants.

In order to appreciate the contention of the petitioner and the grounds urged by him, it would be



necessary to refer to some of facts of this case. Pursuant to an advertisement issued by the S.S.B. for inviting applications for the post of Constable (Tradesman) for the year 2016, the petitioners along with others had applied. The petitioners appeared before the recruitment board for physical efficiency test, physical standard test and have also produced their documents which was verified at the Centre. After clearing the aforesaid stages of selection, the petitioners appeared in the written examination and also participated in the trade test which was conducted at different places. The petitioners were found to be successful even in the detailed medical examination and review medical examination. However, in the final result which was published on 14.05.2018, the petitioners were not selected. It is the case of the petitioners that the OMR answer-sheets which have been downloaded along with the result, clearly demonstrate that there has been tampering in the marking and the marks which



have been obtained by the petitioners, are only one or two marks less than the successful candidates/ the last candidate in the aforesaid category. It has been urged on behalf of the petitioners while challenging the final selection list that it was made clear in the advertisement that the final merit list would be prepared after taking into account the marks in the written examination as well as the marks obtained by the particular applicants obtained by them in their particular trade. Later, by a corrigendum, the aforesaid system was changed and it was clarified that the merit list would be prepared on the basis of the marks obtained in the written examination only and the candidate would only be required to qualify in the particular trade in which application has been made. It appears from the records that the aforesaid corrigendum issued by the SSB in the advertisement was challenged before the Allahabad High Court, but a Bench of Allahabad High Court, considering the fact that it did not change the rule of the game, but only made



clarification with respect to the basis on which the merit list would be made, did not find any fault with the aforesaid change in the pattern of marking of the candidates.

The other ground of challenge is that the two of the questions, the answer of which was marked wrong, was in fact right answer with respect to that, it appears that the two questions, the answer which was uploaded was the correct answer and the petitioners had marked it differently and therefore no marks was given for the aforesaid two questions.

So far as the optical assessment of the petitioner about OMR sheets is concerned, the counter affidavit clearly states that the aforesaid anomaly crept in the downloaded OMR sheet because of voltage fluctuation and the double dots were not captured by the scanner. This appears to be a genuine explanation for the faded circles in the OMR Sheet. Nothing has been brought on record for commenting upon the



genuineness/correctness of the selection process.
Merely because the petitioners have not been selected
would be no ground to quash the result or to make any
alternation in the result.

Aforesaid consideration of the allegations raised
in the writ petition and the response of the respondents,
this court finds no merit in the application.

The writ petition is dismissed.

(Ashutosh Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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