

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16035 of 2019

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Sujeet Kumar Yadav, aged about 28 years, male, Son of Sri Supendra Rai, R/o Village- Alipur Mukund, P.O. Hasanpur Bhadwas, P.S. Mahua, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Director, General of Police, Bihar, Patna.
3. The Chairman, Central Selection Board of Constable, Sardar Patel Bhawan, 6th Floor, Block A/626, Jawaharlal Nehru Marg, Patna.
4. The Inspector General, Bihar Military Police, Patna.
5. The Deputy Inspector General, Bihar Military Police, Patna.
6. The Officer on Special Deputy, Central Selection Board (Constable Recruitment), Bihar, Patna.
7. The Commandant, Bihar Military Police 15, Bagha (IRB-3) Camp, Bihar Military Police- 6, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pawan Kumar, Adv.
For the State	:	Mr. P.K. Verma, AAG-3
For the C.S.B.C.	:	Mr. Sanjay Pandey, Adv.
		Mr. Binod Kr. Mishra, Adv.
		Mr. Vivek Anand Amritesh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 20-08-2019

The petitioner has approached this Court for



setting-aside the order dated 11.12.2018, contained in Memo No. 1638, issued by the Officer-on-Special Duty, Central Selection Board (Constable Recruitment), Bihar, Patna, whereby the appointment of the petitioner has been cancelled because of fraud discerned in the matter of appointment with respect to the petitioner.

2. It appears that several successful candidates were put on radar and because of the mismatch in the handwriting of the petitioner and other such persons at two different places, suspicion of forgery and fraud was raised. An F.I.R. also has been lodged in which the petitioner has been arraigned as one of the accused persons.

3. This Court has been informed that charge-sheet in the aforesaid F.I.R. has been filed, sending up the petitioner also along with others for trial.

4. Under such circumstances, it would be difficult for this Court to set-aside the order of cancellation of appointment or for any direction to the respondent authorities to allow him to resume his duties.

5. The basic proposition of law is that fraud



vitiates everything.

6. In any view of the matter, the argument of the learned counsel for the petitioner is worth accepting that unless the guilt is proved, the petitioner ought not to be castigated like this. True it is that without the proof of guilt, nobody can be put to such disadvantage, but in the present case, right from the inception and before the petitioner could serve the police department for any longer time, the fraud in matters of appointment was located.

7. Under the aforesaid circumstances, the petitioner can only be granted the liberty to approach this Court, if so advised, after he is exonerated by the Trial Court of the charges.

8. The petition stands disposed off with the aforesaid observation.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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