

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18705 of 2019

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Bobby Kumar Son of Kedar Prasad Resident of Village-Jalalpur, Police Station-Sohsarai, District-Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Homes (Police), Old Secretariat, Government of Bihar, Patna
2. The Secretary Department of Homes (Police), Old Secretariat, Government of Bihar, Patna
3. Central Selection Board (Constable Recruitment) through its Chairman, Sardar Police Bhawan, A-Block R. No. 626, Jawaharlal Nehru Marg, Patna-800023
4. Chairman Central Selection Board (Constable Recruitment), Sardar Police Bhawan, A-Block R. No. 626, Jawaharlal Nehru Marg, Patna-800023
5. The Coordinator cum Examination Controller, Recruitment (Police, Driver, Fire Services) Advt No. 01/18, Sardar Police Bhawan, A-Block R. No. 626, Jawaharlal Nehru Marg, Patna-800023
6. Director General Police Bihar Police Headquarter, Old Secretariat, Patna
7. Inspector General of Fire Services Cental Range, Police Headquarter, Old Secretariat, Patna
8. Inspector General of Police (Karmik) Police Headquarter, Old Secretariat, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sudish Kumar
For the Respondent/s	:	Mr.Md. N.H. Khan (SC-1)
For the Board :	:	Mr. Sanjay Pandey
		with Mr. Binod Kumar Mishra, Advocates

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 26-09-2019 Against an Advertisement No. 01 of 2018 inviting applications for appointments to the post of Firemen Drivers, issued by the Central Selection Board (Constable Recruitment), the petitioner had applied. He had cleared written examination and had participated in the physical efficiency test and driving



test. On the basis that his handwriting, signature and left thumb impression, which were taken at the time of written examination did not match with his thumb impression taken at the time of physical evaluation test and driving test, his candidature itself has been rejected. There are altogether 472 candidates, whose candidatures have been rejected and an F.I.R, has been registered with the Gardanibagh Police Station, in this regard.

2. Learned counsel for the petitioner has submitted that the authorities have wrongly cancelled the petitioner's candidature as there was no impersonation at any stage of the process of selection on the petitioner's part and it was the petitioner who had appeared in the written examination, physical evaluation test and driving efficiency test. He contends that the decision to cancel the petitioner's candidature is unilateral and without providing him any opportunity of hearing.

3. Mr. Sanjay Pandey, learned counsel appearing on behalf of the Board has submitted that in similar circumstance, this Court has dismissed the writ application filed on behalf of one Indrajeet Kumar dated 24.04.2019, passed in CWJC No. 6631 of 2019.

4. A counter affidavit has been filed on behalf of the



Board, wherein it has not been denied that the petitioner was not afforded any opportunity to explain as to why his candidature should not have been cancelled.

5. In the counter affidavit filed on behalf of the Board there is reference of a report submitted by a private agency which had informed the Board that there were altogether 658 successful candidates, whose left thumb impression did not match with the left thumb impression taken on the attendance-sheet during the written examination, as per their software. It was in this background that the Board had taken a decision that handwriting, signature and left thumb impression of suspected candidates would be kept secured and later on, it would be matched with the handwriting, signature and thumb impression taken on OMR-sheet and it would be ensured thereafter that how many candidates were genuine, out of 658 such candidates. After comparing the same, out of aforesaid 658 candidates, handwriting, signature and left thumb impression of 186 candidates were found to be one and the same but they did not match in respect of rest 472 candidates including the petitioner. In such circumstance, the Board instituted FIR and declared the aforesaid 472 candidates disqualified. It is evident, thus, that the report of the agency submitted to the Board in respect of 186



candidates was, according to the Board itself, incorrect. This Court in case of Indrajeet Kumar (supra), has refused to issue any direction for issuance of appointment letter to the petitioner, which relief was sought in that case. No such relief could have been granted. Further, it is not apparent from the said order whether the Board had filed any counter affidavit in the said case or not. On perusal of the counter affidavit, I am satisfied that the petitioner was not given any opportunity to explain the circumstance in which his handwriting, thumb impression and signature obtained at the time of written examination did not match at the subsequent stages. At least, re-verification could have been carried out after issuing notice to the petitioner, as rejection of candidature altogether has serious consequence for a person seeking public employment, despite having the requisite qualification.

6. In the facts and circumstances of the case, this writ application is disposed of with a direction that let petitioner present himself before the Secretary of Board on 28.09.2019 at 10.30 A.M. The Board shall thereafter reconsider the petitioner's case and after considering his explanation shall take a decision on the question of cancellation of petitioner's candidature. In case the decision goes against the petitioner, the



same must be speaking and reasoned. Decision must be taken within six weeks.

7. This disposes of the application.

(Chakradhari Sharan Singh, J)

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