

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP No. 7208 of 2006

Chhattisgarh Public Service Commission through its Secretary,
Shankar Nagar Road, Raipur (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh through its Secretary, Department of Home, Mantralaya, D.K.S. Building, Raipur (C.G.)
2. The State Economic Offences Investigation Bureau, Chhattisgarh, Raipur (C.G.)
3. The Superintendent of Police, Anti Corruption Bureau, Raipur (C.G.)
4. Dy. Superintendent of Police, State Economic Offences Investigation Bureau, Raipur, Chhattisgarh

---- Respondents

For Petitioner

Shri B. D. Guru and Shri Rajendra
Tripathi, Advocates

For Respondent-State

Shri Chandresh Shrivastava, Dy. AG

Hon'ble Justice Mr. Goutam Bhaduri

Order On Board

31/01/2019

1. The present petition is for quashment of three letters dated 08.12.2006 (Annexure-P-1), 04.12.2006 (Annexure-P-2) and 23.11.2006 (Annexure-P-3). By such letters, the Superintendent of Police, Anti Corruption Bureau, Raipur has called for certain document with respect to appointments made in the year 2003. The short resume of facts are that a complaint was made by one Ku. Varsha Dongre, a candidate, on the ground that though she procured higher marks in exam, she was not appointed, instead

the persons, who secured lower marks, were appointed ahead of her by manipulating the records. In the reply of the State, it is contended that in respect of the letters dated 08.12.2006 (Annexure-P-1) and 23.11.2006 (Annexure-P-3), which pertain to Complaint No.5/06, the Superintendent of Police, State Economic Offences Investigation Bureau, Chhattisgarh informed that the preliminary enquiry and the complaint have been filed, meaning thereby the requirement made by those letters do not subsist and would not fall for any decision, as nothing was found after the enquiry. Therefore, the prayer pertains to Annexure P-1 & P-3 are not live at moment. Those facts are fortified by letter annexed as Annexure-R-1, which would show that presently the said enquiry were shelved It purports subsequently if any directions are given by the court or statutory authority, it may be reopened. It appears that the requirement of Annexure-P-1 and P-3 has become infructuous and no purpose would be served to revive the same at present.

2. Now, with respect to the letter dated 04.12.2006 (Annexure-P-2), it is contended that the said enquiry was bearing No.60/2006 and after complaint and verification, an FIR was registered by the respondent No.3. The said FIR has been filed as Annexure-R-2 under Section 13 (1) (d) and 13 (2) of the Prevention of Corruption Act,1988 and under Sections 420, 467, 468, 471 and 120-B of IPC. Perusal of the FIR would show that complaint was made that the persons who were in hold of the office at the relevant time have deprived the complainant to loose her of her lawful claim and undue advantage to people who were otherwise not eligible were given and were provided with the job.

3. The petition herein has been filed by the PSC, which is a statutory and constitutional body. The primary gist in the complaint is that the persons, who secured the lower marks, were appointed by the Officers of the PSC by ignoring the persons who have secured the higher marks and on complaint made, the FIR has been registered. It is obvious that the institutions are manned by live persons. If few of the officers of it have gone above the object, spirit and obligation of institution, can it not be questioned ? What does the administration of justice depends on ? The administration of justice would also require State coercive power to enforce the law but before the wisdom can be exercised to mete out the punishment, the justice system needs information. The conventional relationship between the crime and information are necessary. The nature of complaint made would certainly precipitate into huge criminality if found so but at the threshold enquiry of like nature cannot be shelved. The entire model to redress the crime in the society is based when it is reported, if it is unreported by non registering the FIR, the individual and communities will have an unpleasant running with law enforcement and typically would be unwilling to report the crime specially for the person who tried to protect the social ending of public at large.
4. It is expected that the PSC being a statutory body shall propel such investigation and will come forward to keep its image as independent irrespective of siding with any Officers concerned. The PSC, which is a statutory body, is expected to pass the litmus test. The presumption is that the appointments so made by

the PSC are above all doubts and queries. It is only the FIR, which can be questioned and upon investigation, the facts will come to fore. It is not expected that the PSC should support the case if any like nature of allegations subsist.

5. For all the aforestated reasons, particularly the registration of FIR, this Court is not inclined to stay the enquiry proceeding in the FIR.
6. With the aforesaid observation, the writ petition is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Nirala/ashok