

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.275 of 2020

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Shakti Kumar Son of Ram Pukar Singh, Resident of Village-Godura, P.O. and
P.S.-Sanjhouli, District-Rohtas (Bihar).

... .. Petitioner

Versus

1. The Union of India through Secretary, Ministry of Public Grievances and Training, Govt. of India.
2. The Secretary, Welfare Department, Govt. of India, New Delhi.
3. The Director Staff Selection Commission, New Delhi.
4. The Regional Director, Staff Selection Commission, 8-AB Bailey Road, Allahabad.
5. The Deputy Director (Constable), Staff Selection Commission (Central Region), 21-23 Laudar Road, Allahabad.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Sunil Kumar

For the Respondent S.S.C.: Mr. Rajesh Kumar Verma, A.S.G.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT

Date : 31-01-2020

This writ application has been filed seeking quashing of a memorandum dated 12.06.2016 (Annexure-5) issued by the Deputy Director (Constable Recruitment), Staff Selection Commission (Central Region), Allahabad, whereby the petitioner's candidature for his participation in the process of selection for appointment to the post of Constable (G.D.) in Central Para Military Forces, pursuant to an advertisement issued on 03.12.2011, has been cancelled.

2. It is the petitioner's case that the petitioner had successfully participated in Physical Standard Test (PST) and



Physical Efficiency Test (PET), whereafter an admit card was issued to him by the Commission to appear in the written examination. Petitioner was declared successful and was called for medical test/verification, which also he had cleared. A select list was accordingly prepared and uploaded on the *website* of the Staff Selection Commission on 17.10.2012, declaring the petitioner and others as provisionally selected for appointment. Petitioner was required to produce all the certificates within ten days in the office of the Commission for his nomination for the purpose of appointment, but neither any nomination was made nor any appointment letter was issued. A show cause notice was issued to the petitioner by the Commission on 25.08.2014 recording therein, albeit *prima facie*, that it had transpired that hand writings, signatures and left hand thumb impressions of the petitioner over the answer-sheet (OMR Sheet), admit card and attendance register differed from those obtained during PET/medical test. The Commission accordingly reached a conclusion that the petitioner had not in fact appeared in the written examination, rather someone else had appeared in his place by adopting unfair means. Petitioner was asked to show cause as to why his candidature be not cancelled. The Commission also recorded that the petitioner should present himself in the Commission office at Allahabad



between 02.09.2014 to 05.09.2014 to submit his explanation with all necessary evidence. It was further mentioned that if the Commission considered it necessary, the matter would be referred to the Central Forensic Sciences Laboratory.

3. The petitioner thereafter approached this Court by filing a writ application, giving rise to C.W.J.C. No. 2418 of 2017, with the sole grievance that the Commission had not taken any decision after issuance of the said notice dated 25.08.2014. The writ application was disposed of on 22.03.2018 with the following order : -

“The learned counsel for the petitioners draws the attention of this Court to the show-cause notice dated 25.08.2014 and submits that no final order has been passed though the petitioners have approached the concerned authority and have done the needful.

In view of the limited prayer of the writ petitioners, I direct that the petitioners may file a final reply to the said show-cause within a period of two weeks from today. The respondents are directed to pass necessary orders, after considering the reply to the show-cause to be filed by the petitioner herein within a period of four weeks thereafter.

The writ petition is disposed of on the aforesaid terms.”

4. This is to be noted that before the order of this Court dated 22.03.2018 was passed, the Staff Selection Commission at



Allahabad, had already passed an order on 12.06.2017 cancelling the petitioner's candidature after recording a definite finding, on the basis of report received from the Central Forensic Sciences Laboratory, to the effect that the petitioner had taken aid of impersonation for passing the written examination by making other person to sit in his place, in the written examination.

5. The petitioner had approached the High Court of Judicature at Allahabad by filing an application under Article 226 of the Constitution of India giving rise to Writ-A No.23961 of 2018 seeking similar relief, which the petitioner is seeking in the present writ application. The petitioner did not disclose before the Allahabad High Court of his filing of writ application before this Court, which was registered as C.W.J.C. No. 2418 of 2017 (supra). The Allahabad High Court, taking note of the petitioner's conduct of non-disclosure of facts, dismissed the petitioner's writ application.

6. I am not inclined to entertain the present writ application as the petitioner's case was dismissed by the Allahabad High Court considering his conduct of concealing material facts. After having lost before the Allahabad High Court, the petitioner has filed the present writ application, which is not maintainable, in my view. Further no cause of action appears to have arisen within



the territorial jurisdiction of this Court, which aspect appears to have escaped notice of this Court in C.W.J.C. No. 2418 of 2017 (supra).

7. For the aforesaid reasons, I do not find any merit in this application. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
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