IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No.5055 of 2009

Santosh Kumar Singh ... ... Petitioner

Versus

1. The State of Jharkhand.
2. Director General of Police, Jharkhand, Ranchi.
3. Inspector General of Police, Jharkhand, Ranchi.
4. Superintendent of Police-cum-Chairman, Selection Board, Koderma. ... ... Respondents

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CORAM : HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Rohit Kr. Singh, Advocate.

For the Res.State : Mr. Devesh Krishna,

10/10.12.2020 Heard learned counsel for the respondent through V.C.

2. The instant application has been preferred for following reliefs:-

(a) For issuance of writ in the nature of certiorari for quashing the impugned order issued vide Memo No.1350 dated 15.06.2007 (Annexure-7) passed by respondent no.4 whereby and where under the respondents have cancelled the claim of the petitioner for appointment on the post of constable illegally and arbitrarily.

(b) For issuance of writ in the nature of mandamus commanding the respondents to consider the case of the petitioner for

appointment on the post of Police Constable as the petitioner comes within the zone of consideration for appointment.

3. Learned counsel for the petitioner submits that the impugned order dated 15.06.2007, whereby the respondents have cancelled the claim of the petitioner for appointment on the post of Constable; may be reconsidered. He further submits that allegations have been made against this petitioner for malpractice and he was intimated under Memo No.1350 dated 15.06.2007 that his Roll No.3327 was wrongly entered in the master chart. He further contended that he himself has not committed any fraud and further the said enquiry report; whereby the petitioner was considered for committing malpractice, was subject matter before this Court in W.P.(S) No.3940 of 2007, and its order was further challenged by the petitioner of that case in LPA No.296 of 2007; and the Division Bench of this Court after considering the entire gamut of facts allowed the appeal and respondent-State was directed to allow the appellant-petitioner to join the post of Constable.

Relying upon the aforesaid judgments, learned counsel for the petitioner fairly submits that he may be given liberty to file a representation before the concerned respondent who shall decide the case in accordance with law.

4. Learned counsel for the respondent-State opposed the prayer of the petitioner and submits that

during verification of documents it was revealed that there was high degree of indiscipline, forgery and wrong methods were adopted particularly in the selection of candidates, participated from Chatra district and it was proved that those candidates were not in the final selection list. Moreover, the name of the petitioner was added after dividing the column of master chart. He further stated that the actual roll number of candidate who was selected was 3327, but as the said column of master chart was divided in two parts and it was mentioned therein as 3327 'A' as Roll No. of the petitioner. The 'A' letter was added later on in a pre-planned manner for the purpose of selection of the fictitious candidates, and the writing and color of ink over the master chart was also different. Therefore, the roll number of the petitioner is not genuine and the same is forged one and it was entered later on. The Inspector General of Police, North Chotanagpur Zone, Bokaro issued a letter vide Memo No.570 dated 28.03.2006 and thereafter, the Superintendent of Police-cum-Chairman Selection Board, Koderma issued letter vide Memo No.1350, dated 15.06.2007, mentioning all the facts for cancellation of appointment of the petitioner (Annexure-7). Learned counsel for the respondent further submits that the enquiry report which is being referred by the petitioner is of different date and the petitioner cannot take help of that enquiry report; as such, the judgment referred by the petitioner is not applicable in the instant case.

5. In view of the aforesaid facts and circumstances of the case and also in view of the fact that the petitioner has now attained the age of 38 years, this Court is not of the opinion to issue any mandamus upon the respondent. However, the petitioner is at liberty to file a fresh representation, if so advised, before the concerned respondent for reconsideration of his case as the petitioner himself has not committed any fraud; within a period of eight weeks from today. If any such representation is filed before the concerned respondent within the aforesaid stipulated period; the same shall be considered in accordance with law, rule and regulation by ignoring the impugned order passed against this petitioner.

6. With the aforesaid observation the instant writ application stands disposed of.

(Deepak Roshan, J.)

Fahim**/-**