

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8771 of 2019

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Sudhir Kumar son of Sri Ramesh Thakur resident of Village Irkee, P.S. Jahanabad, District- Jahanabad, PIN- 804408.

... .. 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, Government of Bihar, Patna.
3. The Chairman, Central Selection Board of Constable (Constable Recruitment), Bihar, Patna.
4. The Officer on Special Duty, Central Selection Board of Constable (Constable Recruitment), Bihar, Patna.
5. The Police Inspector-cum- Station House Officer, Gardanibagh Police Station, Gardanibagh, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Advocate, Sr. Adv.
	:	Mr. Sanjay Kumar, Advocate
For C.S.B.C	:	Mr. Sanjay Pandey, Advocate
	:	Mr. Binod Kumar Mishra, Advocate
	:	Mr. Vivek Aanand Amritesh, Advocate
For the Respondent/s	:	Mr. P.K. Verma (AAG-3)
	:	Mr. Sarok Kumar Sharma AAG-3

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-09-2023 Heard Mr. Mrigank Mauli, learned Sr. counsel for the petitioner and Mr. Sanjay Pandey learned counsel for the respondent nos. 3 and 4.

2. Through the instant application, the petitioner seeks the following relief (s):-

(a) for issuance of writ in nature of Certiorari quashing the Memo no. 302 dated 28.02.2019 issued by the Office of the Special Duty. Central Selection Board (Constable Recruitment) whereby it has been communicated to the petitioner as his candidature for the



post of Driver pursuant to the advertisement 01/2018 has been rejected as the petitioner has passed the exam through fraud and forgery for which Gardanibagh P.S. Case No. 73/2019 dated 31.01.2019 under section 417, 468, 471, 472, 120(B) of Indian Penal Code has been registered against him and he was ineligible for the appointment to the post of Driver Constable pursuant to the advertisement 01/2018;

(b) for issuance of writ in nature of Mandamus to the respondents to verify from an independent agency that there had been any mismatch of left hand thumb impression of the petitioner and further to confirm that the petitioner was not appeared himself in the all the three stages of exam viz written test, physical evaluation test and driving test;

(c) for issuance of writ in the nature of Mandamus directing the Respondent authorities to reserve one vacant seat for the petitioner and to appoint the petitioner to the post of Driver Constable in the Bihar Police pursuant to the advertisement no 01/2018 dated 20.02.2018 issued by the Chairman, Central Selection Board of Constable (Constable Recruitment).

3. At the outset, Mr. Sanjay Pandey took this Court's attention to an order of a co-ordinate Bench in **CWJC No. 6631 of 2019 (Indrajeet Kumar Vs. State of Bihar and Ors.)** disposed of on 24.04.2019. It dealt with the same matter and the co-ordinate Bench taking into account the fact that there was mis-match between the handwriting/finger prints as also the signature of some of the candidates for which Gardanibagh P.S Case No. 73 of 2019 has been lodged (in which the said petitioner is/was also an accused) and accordingly, dismissed



the writ petition with direction to cooperate in the investigation.

4. In that view of the matter and taking into account the fact that when a criminal case vide Gardanibagh P.S Case No. 73 of 2019 is pending, this Court is also of the view that the petitioner should get himself exonerated in the said matter before taking the route of Article 226 of the Constitution of India.

5. The writ petition stands disposed of with aforesaid observation.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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