

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3011 of 2018

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Amarjeet Prasad Yadav son of Bhola Prasad Resident of Village - Paijuna,
P.O. - Paharpur, P.S. - Akbarpur, District - Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Bihar, Patna.
4. The Chairman, Bihar Staff Selection Commission, Patna.
5. The Examination Controller, Bihar Staff Selection Commission, Patna.
6. The Secretary, Bihar Staff Selection Commission, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None.
For the Respondent/s	:	Mr.Md. Nadeem Seraj- GP-5
For BSSC	:	Mr. Ajay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-09-2023 No one appears on behalf of the petitioner though
Md. Nadeem Seraj, G.P.-5 is present.

2. The petitioner has prayed for the following relief:

(i) for issuance of writ in the nature of
mandamus commanding and directing the
respondents authority to issue appointment
letter to the petitioner for the post of ASI in
view of the Advertisement No. 704/2004
wherein the petitioner has been declared
successful and his name was published in the
merit list;



(ii) for further direction to the respondents authority to produce the enquiry report sent by the concern officer and after hearing the parties direct the Bihar Staff Selection Commission to issue appointment letter as all similarly situated candidates whose name were published in the merit list have already been appointed except the petitioner;

(iii) for further direction to the respondents authority to dispose of the representation of the petitioner by reasoned and speaking order within time framed;

(iv) and for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.

3. From the writ petition itself at paragraph-11 it has been incorporated as follows:

"That it is also submitted that the petitioner was awaiting for appointment letter but after a long time the respondents authority has not issued the appointment letter



then the petitioner got suspicion and enquired into the matter from the concerned Police Station as well as the respondents authority has orally informed that as there is adverse remark against the petitioner regarding involvement in a criminal case no appointment letter will be issued".

4. Further, in para-12 the details of the cases against the petitioner have been incorporated which read read as follows:

"That it is also submitted that in the light of the said involvement the petitioner would like to state that it is true that the petitioner is involved in altogether 5 cases which was as follows:

(i) Akbarpur P.S. Case No. 259/2009 under sections 323, 324, 427, 379/34 of the Indian Penal Code in fact it was lodged by



Gotia of the petitioner namely Yugal Yadav wherein the petitioner has been acquitted in terms of compromise as it was lodged with regard to the petty offence when certain altercation took place between the parties;

(ii) Akbarpur PS. Case No. 48/3013 registered under Sections 323, 324, 427, 379/34 of the Indian Penal Code wherein the petitioner has also been acquitted in terms of compromise;

(iii) Akbarpur P.S. Case No. 212/2014 registered for the offences under Sections 323, 324, 307, 342 of the IPC read with Section 27 of the Arms Act lodged by one Suresh Yadav, son of Ram Lakhan Yadav who is cousin of the petitioner wherein the petitioner is on bail;



(iv) Similarly Akbarpur P.S. Case No. 142/2015 which was lodged by Shyamdeo Yadav, son of Ram Lakhan Yadav who is cousin of the petitioner wherein the petitioner is on bail;

(v) So far the Akbarpur P.S. Case No. 159/2014 registered under Sections 323, 341, 427, 380 and 504 of the Indian Penal Code is concerned it was lodged by Shyamdeo Prasad another son of Ram Lakhan Yadav who is cousin of the petitioner and petitioner is on bail in this case.

5. A counter affidavit has been filed on behalf of the respondent no.2.

6. Learned State counsel has taken this Court to Annexure-E to show that in Clause-8 in the column where he was ought to record whether there is civil and criminal cases pending against him, his response was in fact "No". He has



further taken this Court to Annexure-H of the counter affidavit to show that he is/was accused in five criminal cases which includes 379/307 and other allied sections beside 27 of Arms Act. He submits that in the aforesaid background, the decision taken by the respondents cannot be sustained.

7. The last submission is that in any case the processed relating to advertisement already stands completed.

8. In view of the said comprehensive counter affidavit, the petitioner chose not to appears/contest in the case.

9. Be that as it may, there is no appearance, the writ petition stands dismissed for non-prosecution.

(Rajiv Roy, J)

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