

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17704 of 2019

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Mithilesh Kumar Son of Jairam Singh Village and P.O.- Karma Bhagwan,
P.S.- Muffasil, Aurangabad, District- Aurangabad.

... .. Petitioner/s

Versus

1. The Central Selection Council (Constables Recruitment) Sardar Patel Bhawan, Jawaharlal Marg, Patna through its Secretary.
2. The Chairman, Central Selection Council (Constables Recruitment), Sardar Patel Bhawan, Jawaharlal Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Singh, Adv Mr. Sunil Kumar Singh, Adv
For the C.B.S.C	:	Mr. Sanjay Pandey, Adv Mr. Binod Kumar Mishra, Adv Mr. Vivek Anand Amritesh, Adv

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 29-07-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

Re: I.A. No. 01 of 2024

The present interlocutory application has been filed for directing the respondents to produce the OMR sheet of written examination of petitioner held on 10.06.2018 as well as the attendance sheet dated 09.10.2018 of physical evaluation test on which the left thumb impression of petitioner was taken as also the sample of handwriting, signature and left thumb impression of the petitioner which too was taken on the date of physical evaluation test before this Hon'ble Court for perusal and further prayer has been made in the I.A. to direct the respondents to



send the said samples either to Forensic Science Labortory at Kolkata or Hyderabad at the expense of the petitioner and after receiving the expert report be further direct the respondent to appoint the petitioner on the post of constable in Bihar Police and give all the consequential and monetary benefits along with suitable amount of compensation to the petitioner, if the report finds favour to the petitioner.

Re: C.W.J.C. No. 17704/2019

2. Learned counsel for the petitioner submits that the petitioner has participated in the examination vide advertisement no. 01 of 2018 for the post of driver. Admit Card, written test and Physical Eligibility Test took place but his name has not figured in the final merit list. On enquiry under R.T.I. he has been informed that he has secured 66 marks which is above the cut-off marks required for selection but even then he was not selected finally as he was declared unqualified because he was accused in Gardanibagh P.S. Case No. 73/2019 dated 31.01.2019. Counsel submits that petitioner has appeared at every stage which was required for selection in person and has not conducted unfair means at the stage of selection and without having any expert opinion on handwriting and thumb impression of the petitioner was not matched.



3. Counsel for the Board submits that the petitioner is accused in Gardanibagh P.S. Case No. 73/2019 and every documents has been produced before the investigating agency. Counsel also relied on the decision passed by this Hon'ble Court dated 24.04.2019 passed in C.W.J.C. No. 6631/2019 in which writ petition has been disposed off directing that it would be open for the petitioner to raise his claim if in the investigating he has been exonerated.

4. In this view of the matter, this Court is of the firm view that only after completion of investigating, he shall be at liberty to get the entire records. Therefore, not only Interlocutory Application No. 01 of 2024 is dismissed but also in the light of the decision made by this Hon'ble Court in C.W.J.C. No. 6631/2019, the present writ petition is dismissed.

(Dr. Anshuman, J)

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