

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16863 of 2019

=====

Pintu Kumar S/o Indradeo Singh R/o Vill. and P.o.- Bhadura, P.S.- Bharagpur,
Distt.- Munger, Pin-811211

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Patna
2. The Director General of Police cum I.G. of Police Bihar, Patna
3. The D.I.G. of Police Muzaffarpur
4. The S. P. Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjit Jha, Adv.
For the Respondent/s : Mr. Shio Shankar Prasad (SC-8)

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 08-01-2024

Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed to direct the concerned respondent to accept the re-joining of the petitioner after released on bail and for grant of all consequential benefits in the light of his joining on the post of Constable in Gopalganj district Police Force in response to the appointment letter issued *vide* Memo No. 386/CSBC, Patna dated 02.06.2013 annexed as Annexure-5 and further for directing the concerned respondent to depute the petitioner on appropriate place in accordance with Bihar Police Manual as



well as Bihar Government Servant (Classification, Control and Appeal) Rules 2005 (hereinafter referred to as “CCA Rules, 2005”) of the rules 9 and 10 for the Government employee.

3. Learned counsel for the petitioner submits that the petitioner was appeared in the examination of CSBC (Central Selection Board of Constable, Bihar, Patna) in the light of the advertisement of 2012. Counsel also submits that the petitioner was appeared in the written test and after the screening, he was qualified in the merit list and the final selection list after written test and PET for appointment on the post of Constable, District- Gopalganj has been published in which roll number of the petitioner was figured at 3rd place from the bottom of the list annexed as Annexure-4. Counsel further submits that the petitioner received appointment letter issued *vide* Memo No. 386/CSBC, Patna dated 02.06.2013 for joining, but on the basis of allegation of commission of illegal action, the FIR has been lodged bearing Gopalganj Town P.S. Case No. 217 of 2014 dated 26.05.2014 annexed as Annexure-6 in which the petitioner was taken into custody and he was enlarged on bail by the Hon’ble High Court in Cr. Misc. No. 69074 of 2018 dated 30.11.2018 annexed as Annexure-7. Counsel submits that after releasing on bail, the petitioner submitted his joining in the



office of Superintendent of Police, Gopalganj on 15.12.2018, but still, Superintendent of Police, Gopalganj did not go through the Bihar Police Manual as well as CCA Rules, 2005 and re-joining of the petitioner could not be accepted by the Superintendent of Police, Gopalganj. In this regard, counsel submits that such action made by the respondents is nothing but gross violation of CCA Rules, 2005 according to which, a suspension letter has to be issued and then departmental proceeding has to be initiated under CCA Rules, 2005, and then only, any action ought to be taken. Counsel for the petitioner submits that in doing so, there is a gross violation of natural justice and as such, respondent was directed to accept the joining of the petitioner and then to take action according to the Bihar Police Manual and CCA Rules, 2005.

4. Learned counsel for the respondent on the other hand submits that the petitioner has no case at all. Counsel submits that on 02.06.2013, the Secretary of the Central Selection Board of Constable, Bihar, Patna has issued appointment letter in favour of the petitioner, but upon joining, when the photograph, weight, height and chest of the petitioner and other candidates were measured, then it was found that there is discrepancy/variation in the same and accordingly, a



criminal case was instituted against this petitioner and two others under Gopalganj Town P.S. Case No. 217 of 2014 on 26.05.2014. It has also been stated that Gopalganj Police District Force pursuant to selection process for recruitment of candidates by the Constable Selection Board under advertisement of 2012, total 134 candidates were recommended for their appointment with their credentials. The District level Board was constituted to examine the documents of each and every candidate along with their physical examination and compare the same with the documents available with their recommendation. The District Level Board has carried out the verification of documents between 10.07.2013 to 12.07.2013 by which the verification of height measurement, chest measurement, photo, signature verification and other identification marks of all the candidates with the documents which was made available by the Central Selection Board and during scrutiny, it has been found that the District Level Board detected three candidates including the petitioner have substantive variation in their credentials. Accordingly, a PSI was deputed by the answering respondents office on 29.12.2013 to visit the home address of all three candidates including the petitioner and upon verification of their photographs and upon



visiting their homes, it was reported that candidates as per the photographs and the photographs taken during physical running test are not the same and it has been found that it is a case of impersonation and this petitioner is not the candidate who was selected by the Government and he appears to be an imposter and not the actual candidate who was screened and succeeded in the selection process.

5. Learned counsel for the State further submits that the petitioner is not a Government employee as the candidate who was screened and was declared successful did not join due to the reason that the petitioner's description and appearance did not match with the available records. Learned counsel for the State also mentioned that fraud nullifies everything as the petitioner has committed fraud in securing appointment by dubious method. This point has also been taken that the applicability of Bihar Police Manual and CCA Rules, 2005 is for the permanent and confirmed employee and not for such type of candidates whose appointment itself is in question and he is on probation as well as found to be the imposter. Counsel for the State conclusively argued that the petitioner has managed to get the appointment letter and managed to get another candidate sit for him in the screening and secured appointment



letter by illegal means. In this background, no relief may be granted to the petitioner.

6. In the light of the submissions made by the parties, this Court is of the view that till date, the official has taken action against the petitioner without granting him any opportunity to defend and taken any decision without granting any opportunity to defend amounts to violation of natural justice.

7. In this view of the matter, this Court is directing to the respondent (Superintendent of Police, Gopalganj) to grant opportunity to the petitioner and consider all his points which he shall raise before the Superintendent of Police, Gopalganj explaining the situation and circumstance under which any discrepancy relating to his signature, photograph etc. does not match with the petitioner with his own signature, photograph etc. which has been presented by him before the authorities at various level (written test and interview/physical examination etc.).

8. The petitioner shall file representation within four weeks from today and all exercise shall be done by the respondent (Superintendent of Police, Gopalganj) within 90 days from the date of production of the order.



9. It is also made clear that petitioner shall support in every manner by providing all the documents and filing reply and if not, Superintendent of Police, Gopalganj is competent to pass order within 3 months from the date of filing his representation.

10. With the aforesaid observations, this writ petition is hereby dismissed.

(Dr. Anshuman, J.)

Divyansh/-

AFR/NAFR	
CAV DATE	
Uploading Date	11/01/2024
Transmission Date	

