

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2359 of 2025

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Sujeet Kumar Yadav son of Sri Supendra Rai, resident of village Alipur Mukund, PO Hasanpur Bhadwas, P S Mahua, District Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Home (Police), Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Chairman, Central Selection Board of Constable, Sardar Patel Bhawan, 6th Floor, Block A/626, Jawaharlal Nehru Marg, Patna.
4. The Inspector General, Bihar Military Police, Patna,
5. The Deputy Inspector General, Bihar Military Police, Patna.
6. The Officer on Special Duty, Central Selection Board (Constable Recruitment), Bihar, Patna.
7. The Commandant Bihar Military Police, 15, Bagha (IRB 3), Camp, Bihar Military Police-6, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar, Advocate
For the State	:	Mr. Kamlesh Kishore, AC to SC-12
For the C.S.B.C.	:	Mr. Sanjay Pandey, Advocate
		Mr. Binod Kumar Mishra, Advocate
		Mr. Vivek Anand Amritesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 15-09-2025 Heard learned Senior Counsel for the petitioner;

learned counsel for the State and learned counsel for the Central

Selection Board of Constable.

2. The petitioner has moved the Court for the

following reliefs:

“(i) For quashing the letter contained in memo no. 1638 dated 11.12.18, issued under the signature of officer on special duty, Central Selection Board (Constable Recruitment), Bihar, Patna which has served upon the petitioner vide



memo no.2212 dated 15.12.18, whereby and where under selection of the petitioner; being Roll No. 1021060228, for the post constable has been cancelled on the allegation of getting success in the written examination by forgery, as per the decision taken by the members of Central Selection Board (Constable Recruitment) on 04.12.18 by Circulation as the Respondents failed to prove allegation against them in Criminal case which is the basis of cancelation of his selection.

(ii) For the direction to the respondent authority to allow this petitioner to resume his duty on the post of constable, Bihar Military Police-15 with effect from 03.08.15, the date on which he was asked / directed by the authority to leave the place of posting with assurance to call him back.

(iii) For the direction to the respondent authority to insure payment of consequential benefit for the period he was restrained by the respondent from discharging his duty on the post of constable, Bihar Military Police-15.”

3. Earlier also, the petitioner had approach this Court for similar prayer vide C.W.J.C. No. 16035 of 2019, which was disposed of by a co-ordinate Bench of this Court on 20.08.2019, the aforesaid order reads as under:

“The petitioner has approached this Court for setting-aside the order dated 11.12.2018, contained in Memo No. 1638, issued by the Officer-on-Special Duty, Central Selection Board (Constable Recruitment), Bihar, Patna, whereby the appointment of the petitioner has been cancelled because of fraud discerned in the matter of appointment with respect to the petitioner.

2. It appears that several successful candidates were put on radar and because of



the mismatch in the handwriting of the petitioner and other such persons at two different places, suspicion of forgery and fraud was raised. An F.I.R. also has been lodged in which the petitioner has been arraigned as one of the accused persons.

3. This Court has been informed that charge-sheet in the aforesaid F.I.R. has been filed, sending up the petitioner also along with others for trial.

4. Under such circumstances, it would be difficult for this Court to set-aside the order of cancellation of appointment or for any direction to the respondent authorities to allow him to resume his duties.

5. The basic proposition of law is that fraud vitiates everything.

6. In any view of the matter, the argument of the learned counsel for the petitioner is worth accepting that unless the guilt is proved, the petitioner ought not to be castigated like this. True it is that without the proof of guilt, nobody can be put to such disadvantage, but in the present case, right from the inception and before the petitioner could serve the police department for any longer time, the fraud in matters of appointment was located.

7. Under the aforesaid circumstances, the petitioner can only be granted the liberty to approach this Court, if so advised, after he is exonerated by the Trial Court of the charges.

8. The petition stands disposed off with the aforesaid observation.”

4. Learned Senior Counsel for the petitioner has submitted that the petitioner has been acquitted in the criminal case by Judicial Magistrate, 1st Class, Muzaffarpur in Mithanpura P.S. Case No. 305 of 2015 on 29.08.2024.



5. This Court in C.W.J.C. No. 16035 of 2019 had given the following liberty to the petitioner which is reiterated and reads as under:

“7. Under the aforesaid circumstances, the petitioner can only be granted the liberty to approach this Court, if so advised, after he is exonerated by the Trial Court of the charges.”

6. In these circumstances, since the petitioner has been exonerated, the respondent no. 7 is directed to accept the joining of the petitioner forthwith preferably within one week from the date of communication/production of a copy of this order as the petitioner has already been acquitted in the criminal case.

7. This application is allowed.

(Sandeep Kumar, J)

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