

(1994) 09 PAT CK 0014
In the Patna High Court
Case No : C.W.J.C. No. 6146 of 1994

Anjani Kumar Poddar and 8 Ors.

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 02-09-1994

Acts Referred:

Citation : (1995) 2 PLJR 197

Hon'ble Judges : S.K. Mookerji, J;Aftab Alam, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Heard learned Counsel for the Petitioners as also the learned Additional Advocate-General No. 1. This writ petition has been filed by Anjani Kumar Poddar and eight Ors. with a prayer for issuance of a writ of certiorari to quash the results of the written examination held in the month of January, 1994 for selection of candidates for appointment to the posts of Sub-Inspector of Police.

2. Learned Counsel for the Petitioners urged that there was a large scale bungling in the examination and, therefore, the results of that examination should be cancelled. As an illustration, learned Counsel for the Petitioners drew our attention to the averment made in paragraphs 27 and 31 of the writ application. A counter-affidavit has been filed in which the contents of paragraphs 27 and 31 have been denied. Apart from that the contents of paragraph 27 states as extracted below-

27. That the Petitioners have also come across one more instance being that of one Anil Kumar, whose written examination roll number is C-110398, physical test roll number being 1582 and who appeared from the Muzaffarpur Centre. So far as this Anil Kumar is concerned, it is the categorical assertion of the Petitioners that he in the written examination in the General Studies Paper, had answered more than 100 questions out of more than four groups and in spite of his having answered questions being in excess of the requisite number of

questions being 100, he was awarded marks against even such number of questions as in excess of the specified number of questions being 100. In spite of the said irregularity, he has been declared successful at the written examination in supersession of the rightful claim of the genuine candidates, including the Petitioners.

The averments in this paragraph have been sworn in on the basis of the information derived from records. The Petitioners have not disclosed how they had access to any record and which record, in fact, they have examined. The averments made in paragraph 27 are also in the nature of roving and fishing enquiry. Further, paragraph 27 really makes an averment against one Anil Kumar, who has not been made party to this writ petition although in the paragraph under reference it has been stated that Anil Kumar in written examination in General Studies paper had answered more than 100 questions from more than four groups and in spite of the fact that, he having answered 15 number of questions in excess of the requisite number of questions i.e. 100, he was awarded marks against such number of questions as were in excess of what were specified number of questions being 100; Anil Kumar, not being a party in this writ petition, cannot answer this averment against him. It appears that the Petitioners having taken a chance of failure or success have now approached this Court with such vague allegations.

3. Similarly, in paragraph 31 of the writ petition, it has been stated that one Shri Krishna Bali Singh was supposed to have appeared at the physical test on 2.11.1993 on which date the physical tests of candidates having roll Nos. 2000 to 4000 were taken. The roll number of this Shri Krishna Bali Singh is stated to be 2326, and it is again categorically stated by the Petitioners that the said Shri Krishna Bali Singh did not appear at the physical test held on 2.11.1993 and failed to get through it but despite this he was declared successful. The contents of this paragraph 31 of the writ petition have been sworn in on the basis of the information derived from the record. It is again not disclosed from which record these averments have been made. The averments in the paragraph under reference are again in the nature of a roving and fishing enquiry. The Petitioners have also not made Shri Krishna Bali Singh a party in the instant writ petition and, therefore, the assertions made therein could not be verified. It is stated in the said paragraph that Shri Krishna Bali Singh has been selected and, therefore, the averments made against him could not be gone into unless he was made a party in this writ application. In case we decide this point in favour of the Petitioners, no doubt, Shri Krishna Bali Singh will be affected adversely. No other arguments were placed before us regarding any other irregularity in conducting the examination.

4. However, a counter-affidavit has been filed. In the said counter-affidavit, it has been clearly mentioned that the examination was conducted very fairly and there has been absolutely no irregularity at all in conducting the written examination, evaluation of answer sheets and preparation of results of the said examination

and the results of the examination have also been published.

5. In this case, results have already been published in favour of the selected candidates, which have not been challenged either in the instant writ petition or by means of any amendment thereto. There is yet Anr. reason to dismiss this writ petition. The examination, in question, had been conducted by a Committee, which was well equipped with the nature of the examination and also in respect of marking etc. This Court cannot super-impose itself on such an Examination Committee unless it is clearly pleaded and proved that the examination was not fair. We do not find any reason to hold that the examination was not fair. It is also relevant to point out that no rejoinder in answer to the counter-affidavit has been filed in this case. For that reason also, the averments in the counter-affidavit cannot be rejected.

6. For the reasons stated above, we find no merit in the writ petition and it is dismissed, accordingly, at the stage of admission itself. There shall be no order as to costs.