
(2006) 07 PAT CK 0035
In the Patna High Court
Case No : CWJC No. 1792 of 2005

Sanjiv Kumar Chandhariyavi APPELLANT
Vs
The State of Bihar and Others RESPONDENT

Date of Decision : 31-07-2006

Acts Referred:

Citation : (2006) 3 PLJR 461

Hon'ble Judges : Barin Ghosh, J

Bench : Single Bench

Advocate : R.K.P. Singh, for the Appellant; Rajesh Kumar for the State and M/s Vijay Shankar Upadhyay and Nadeem Seraj for the Respondents, for the Respondent

Final Decision : Allowed

Judgement

Barin Ghosh, J.—During the period 25th January, 2000 to 31st January, 2000, Bihar Public Service Commission conducted examination for selecting 25th Batch of Bihar Judicial Service Officers. Petitioner participated in the said examination. On 6th July, 2000, Bihar Public Service Commission interviewed the petitioner. Thereafter result of that examination was published on 6th August, 2000. While the result was published it was indicated that the result of the petitioner is being withheld. Subsequently petitioner was asked, upon consideration of his representations, by Bihar Public Service Commission to produce all his testimonials. According to petitioner, on 12th October, 2000 he produced such testimonials but despite that he was asked by Bihar Public Service Commission on 9th April, 2001 to once again produce all his testimonials. It is claimed by the petitioner that on 10th April, 2001, the petitioner produced once again all his testimonials. Subsequently on 6th June, 2002 a notice was published in newspaper by Bihar Public Service Commission asking, amongst others, the petitioner to produce his testimonials. At this stage the petitioner approached this Court by filing a writ petition being CWJC No. 7224/2002. On 10th July, 2002, the Court passed an order disposing of the said writ petition; in terms

whereof petitioner was required to produce finally all his testimonials before the Controller of Examinations of Bihar Public Service Commission. It is claimed by the petitioner that on 11th July, 2002 when the petitioner went to produce his testimonials, the Controller of Examinations, Bihar Public Service Commission refused to look into the same. With this grievance, the petitioner filed a contempt application being MJC No. 1456/2002. When the contempt application was pending, on 2nd August, 2002 Bihar Public Service Commission by a letter held out to the petitioner that at the examination the petitioner was impersonified by another. The basis for making such allegation had not been indicated in the letter. As no basis was indicated in the said letter dated 2nd August, 2002, so no basis has been indicated in the counter affidavit for alleging that someone else appeared at the examination holding him out to be the petitioner.

2. It appears to be the contention of Bihar Public Service Commission that it received certain complaints from some undisclosed quarters to the effect that someone else sat in the examination representing himself to be the petitioner. These vague allegations cannot be the basis of making an allegation of impersonification by an authority as that of Bihar Public Service Commission. It has acted in a most reprehensible manner in making such allegation. If, in fact, the Bihar Public Service Commission had received some complaint as regards impersonification, it was its duty as an Institution of repute to conduct an enquiry on the basis of such complaints and only thereupon to make an allegation with the basis disclosed. It is unfortunate that Bihar Public Service Commission, in the instant case, acted in a manner totally unwarranted.

3. In those circumstances, the one and the only conclusion would be that without there being any basis the result of the petitioner was unjustly withheld by Bihar Public Service Commission.

4. The writ petition accordingly succeeds and the same is allowed by quashing Annexure-12 to the writ petition with a direction upon the Bihar Public Service Commission to declare the result of the petitioner within seven days from today, and if anyone below the petitioner in the merit list has been recommended for appointment, the Bihar Public Service Commission is directed to issue a recommendation in favour of the petitioner for being appointed within seven days therefrom. This disposes of the writ petition.