

(2007) 12 PAT CK 0049

Patna High Court

Case No: CWJC No. 885 of 2007

Ajay Kumar and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision: Dec. 18, 2007

Citation: (2008) 1 PLJR 357

Hon'ble Judges: V.N. Sinha, J

Bench: Single Bench

Judgement

@JUDGMENTTAG-ORDER

V.N. Sinha, J.

Heard learned counsel for the parties. In compliance of orders of this Court dated 13.11.2007, reports of the two experts, namely, Dr. C.N. Sinha and Dr. K.S.P. Singh dated 28.11.2007 and 30.11.2007 respectively have been received, wherefrom it appears that as many as 41 model answers, out of 100, were wrong and two questions were wrong and two were repetition.

2. In the circumstances, it is deemed expedient to direct the Bihar Staff Selection Commission, Patna (hereinafter referred to as the Commission) to cancel the examination conducted by it pursuant to Advertisement No. 1406 dated 14.8.2006 for the post of Junior Engineer (Civil) in Water Resources Department and to hold fresh examination. Those who have been appointed pursuant to the aforesaid examination, their employment should also be cancelled after giving opportunity of being heard to them within three weeks from the date of receipt/production of a copy of this order for which notice be served on them through their Appointing Authority and the fresh examination in the light of this order be conducted at the earliest, in any case within three months from the date of receipt/production of a copy of this order.

3. Before parting with this order, I would like to observe that those, who are responsible for setting up incorrect questions and for providing incorrect model

answers, should also be proceeded against alongwith those who attempted to cover up such wrong including the senior functionaries of the Commission who initially resisted compliance of the order dated 16.5.2007, whereunder this Court directed the Commission to examine and verify the correctness of the model answers and later procured report dated 3.8.2007 and 28.6.2007, as contained in Annexures-A, B and C to the counter affidavit filed on behalf of Respondent Nos. 4 and 5 to justify the correctness of the model answers. Even the beneficiary appointees should also be within the compass of the enquiry. In this connection, the State of Bihar is directed to submit the action taken report to this Court as early as possible, in any case within six months.

4. These applications, including all the Interlocutory applications, are, accordingly, disposed of.

5. Disposal of these writ applications will not prevent the Commission from looking into the irregularities committed in the subsequent examination as well. The amount of Rs. 10,000/-deposited with the Registrar General in compliance of the order dated 26.4.2007 be refunded to the depositors at the earliest.