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Date: 29/10/2025

Ajay Kumar and Others Vs The State of Bihar and Others

CWJC No. 885 of 2007

Court: Patna High Court

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, whereudner 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.