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Court : Jharkhand

Decided On : Dec-05-2003

Reported in : 2004(1)BLJR374; [2004(1)JCR14(Jhr)]

Judge : S.J. Mukhopadhaya, J.

Acts : Education Law; [Constitution of India](#) - Article 226

Appeal No. : W.P. (C) No. 4589 of 2003

Appellant : Kumar Bhenu Gopal

Respondent : The Jharkhand Combined Entrance Competitive Examination Board and ors.

Advocate for Def. : A.G. and; Saurav Arun, Adv.

Advocate for Pet/Ap. : Altaf Hussain,; Sudha Kumari and; N. Hoda, Adv.

Disposition : Petition dismissed

Judgement :

S.J. Mukhopadhaya, J.

1. This writ petition has been preferred by petitioner for direction on 1st and 3rd respondents to issue letter of admission/clearance for his admission in the 1st year M.B.B.S. course in the Rajendra Institute of Medical Sciences or any other Government Medical College within the State of Jharkhand.

Further prayer has been made to direct the competent authority to hold an independent enquiry or any-enquiry by Judicial Officer regarding the illegalities, malpractice and bungling as made by 1st and 2nd respondents at the time of counselling for admission of successful candidate in the M.B.B.S./B.V.Sc & A.H. course so that the truth is revealed.

2. According to petitioner, he passed I.Sc. Examination in first Division with distinction in Mathematics from Bihar Intermediate Education Council, Patna and being eligible, applied for admission in M.B.B.S./B.V.Sc. course in pursuance of advertisement published by Jharkhand Combined Entrance Competitive Examination Board, Ranchi. He having come out successful in the written examination of Jharkhand Combined Entrance Competitive Examination, 2003 (hereinafter referred to as J.C.E.C.E.-2003), was called to appear before the J.C.E.C.E. Board for Counselling on 3rd September, 2003 at 10 A.M.

As per petitioner, no mark is allotted during counseling. The admission is made on the basis of merit of written examination alone and seats are allotted on the basis of merit-cum-option.

As per petitioner, he appeared before the Counseling Board on 3rd September, 2003 at 10 A.M. when he was asked to sign a declaration and was also asked to put his signature both in English and Hindi at several places where he signed. All of his original certificates including original admit card, original mark sheet, original certificate of matriculation examination etc. along with six passport size photographs duly attested and residence certificate and character certificate from the head of the Institution last attended were also deposited.

The petitioner having submitted residential certificate of ten years issued by the S.D.O., Sadar, Ranchi, was told to produce the residential certificate of 15 years as per guide line. According to petitioner, he obtained certificate from the Circle

Officer, Ranchi but could not obtain certificate from S.D.O., Sadar, Ranchi on the date (4th September, 2003) so he applied in writing to , the Controller of Examination to grant time till 5th September, 2003 to produce 15 years residential certificate. 15 years residential certificate was obtained by him on 5th September, 2003 which he intended to submit in the office of J.C.E.C.E. Board on the same date i.e. 5th September, 2003 when the counseling of reserved category was going on but no admission letter was handed over to him.

The next date i.e. 6th September, 2003, a news item was published that one F.I.R. has been lodged against 16 persons out of which three were shown absconding. According to petitioner, from the newspaper, he could come to know that his name was also shown in the F.I.R. and he was shown to have absconded.

The petitioner, who claims to be the genuine candidate, had appeared in the written examination and secured good result and ranked 25th in the merit category. He alleges malafide against the respondents and stated that with ulterior purpose, false F.I.R. has been lodged against him. The petitioner has alleged bungling/malpractice during the counseling on the basis of knowledge from a so-called reliable source but nothing disclosed in the writ petition to hold malafide against any one or other individual.

It appears that during written examination, the petitioner complained that he had not received admit card. Duplicate admit card was issued for appearance in the written examination.

3. According to respondents, the petitioner before this Court (is the real candidate) appeared at the time of counseling. He handed over the handwriting verification check slip in terms with Rule 11.1 of J.C.E.C.E.-2003 prospectus. Therein, he filled up his name in small letters. It was detected that during the written examination, a fake/dummy candidate appeared, who filled up the name in capital letters. It was also detected that the fake/dummy candidate, at the time of written examination gave different name of the school. The candidate, who appeared in the written examination, wrote the name of the examination centre as 'Surender Nath Centenary School, Hazaribag Road' whereas the candidate, who appeared during counseling, wrote the name of examination centre as 'Ram Pratap Centenary High

School, Dipatoli, Hazaribagh Road, Jharkhand'. The candidate, who appeared in the written examination, while gave the name? of the School-10th passed as 'Murya Chak High School, Supasang, Nalanda' (In capital letter) , the candidate, who appeared in counseling, wrote the, name of the School-10th Passed as 'Muria Chak. High School, Supasang, Nalanda' (In small letter).

From the handwriting verification check slip (Annexure-C to the counter affidavit), it appears that the Professors, who were members of the Counseling Board, gave a note-'It appears to be a case of impersonation. Name of examination centre and the name of school of Class X passing is suspicious'. The note was given on 3rd September, 2003 itself.

4. Admittedly, one F.I.R. has been lodged against the petitioner and some others. The charges of impersonation during written examination have been levelled.

In the aforesaid background, there being a disputed question as to whether the writ petitioner actually appeared in the written examination or not, the matter being under investigation and pending consideration before a criminal Court of competent jurisdiction, it is not desirable for this Court to give any opinion relating to allegation made by the respondents, nor it is desirable to hold malafide against any person.

For the same reason, it is not desirable to issue any writ of mandamus for admission of petitioner in the 1st year M.B.B.S. course and no relief can be granted.

5. This writ petition is, accordingly,dismissed.

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