

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3997 of 2017

1. Chhathu Ram and Ors Son of Shri Laldev Ram Resident of Village- Sawari Boxi Jee, Police Station-Jalalpur, District- SaranChapra.
2. Upender Yadav Son of Shri Chandrika Yadav Resident of Village- Siswa Bujurg, P.O. and Police Station- Daudpur, District- SaranChapra.
3. Chandan Kumar Son of Shri Rameshwarn Prasad Resident of Village- Banwar, P.O.-Soniya, Police Station- Daudpur, District- SaranChapra.
4. Raju Kumar Singh Son of Shri Brij Kishor Singh Resident of Village P.O.- Bangra, District- SaranChapra.
5. Kalika Yadav Son of Shri Shivjee Yadav Resident of Village- Deoria, P.O. Hasulahi, Police Station- Kopa, District- SaranChapra.
6. Dharmendar Kumar Son of Shri Tribhwan Bhagat Resident of Village P.O.- Kandhpaker, Police Station- Asaon, District- Siwan
7. Mintu Kumar Ram Son of Shri Ramesh Ram Resident of Village- Kukurbhuka, P.O. Done, Police Station- Darauli, District- Siwan.
8. Mithlesh Kumar Son of Pradeep Ray Resident of Village- Rampur Ami, P.O.- Ami, Police Station- Dighwara, District- SaranChapra.
9. Kaushal Kumar Son of Shri Upender Thakur Resident of Village P.O. Lakmanpur, Police Station- Kharik, District- Bhagalpur.
10. Bikesh Kumar Prasad Son of Shri Chandrama Prasad Mahto Resident of Village- Pandeypur, P.O. Chanchoura, Police Station- Daraundak, District- Siwan.
11. Ravindra Kumar Sharma Son of Shri Ram Bachan Sharma Resident of Village- Dumaigarh, P.O. Dumaigarh, Police Station- Manjhi, District- SaranChapra.
12. Manmohan Gautam Son of Shri Ramesh Singh C/o Subedar Singh, Resident of Village- Dariyaur, P.O. Baraun, Police Station- Sonpur, District- SaranChapra.
13. Dipul Kumar Ray Son of Shri Yugeshwar Ray Resident of Village- Kasba Maker Tola Chakiya, P.O. and Police Station- Maker, District- SaranChapra.
14. Amit Kumar Manjhi Son of Shri Subas Manjhi Resident of Village P.O.Pachrukhi, Via- Aphaar, Police Station- Bheldi, District- SaranChapra.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Ministry of Home Affairs, Govt. of India, New Delhi.
2. The Director General, Border Security Force, Ministry of Home Affairs, Govt. of India, New Delhi.
3. The Inspector General, Border Security Force, North Bengal, frontier H.Q. BSF North Bengal, P.O. Kadamtala, Siliguri, District- Darjeeling (West Bengal).
4. The Assistant Commandant Ministry, Border Security Force, North Bengal,



frontier H.Q. BSF North Bengal, P.O. Kadamtala, Siliguri, District-Darjeeling (West Bengal).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha, Advocate
For the Respondent/s : Mr. Alok Kumar, CGC

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT**

Date : 22-07-2025

Heard learned counsel for the petitioners and
learned counsel for the Union of India.

2. The present writ petition has been filed for the
following reliefs:-

(i) That, this application is being filed for issuance of a writ in the nature of certiorari or any other appropriate writ or writs for quashing the order dated 04.01.2017 and 13.01.2017 respectively contained in letter no.64, 62, 124, 66, 69, 197, 206, 86, 198, 58, 87, 73, 466 and 463 vide which the respondent no.4 has communicated for cancellation of recruitment process for the post of Constable (Trade men) in Border Security Force 2016 against which the petitioners applied and participated in different test.

(ii) Further for issuance of a writ in the nature of mandamus or any other appropriate writ or writs directing the



respondents for taking step to conclude the recruitment process in accordance with law for the post of Constable (Trade men) in Border Security Force for which the petitioners have applied under vacancy for Constable (Trade men) in Border Security Force, 2016.

(iii) For passing such other order or orders for which the petitioners will be found entitled in the eye of law.

3. Learned counsel for the petitioners submits that 561 vacancies were published on the website, inviting suitable candidates for recruitment, with the last date for application being 20.04.2016, for various posts in the Border Security Force. He further submits that the petitioners participated in the said selection process and was issued an admit card. Counsel further submits that in the recruitment process, the petitioners was selected for their respective post after successfully clearing the written test and physical test, and also appeared for the medical test. Counsel further submits that the petitioners were waiting for the publication of the final result and the issuance of the call letter for recruitment, however, all of a sudden, the concerned authority issued letters dated 04.01.2017 and 13.01.2017, as contained in Annexure-1, informing that the



entire recruitment process had been cancelled due to the discovery of certain illegalities in the process. Therefore, the petitioners moved before this Hon'ble Court.

4. Counsel further submits that the said recruitment process has been challenged before the Hon'ble High Court of Gujarat at Ahmedabad in R/Special Civil Application No. 1895 of 2017 (*Pal Vikram Rameshbhai & 2 other(s) v. Chairman – Recruitment Board & 2 other(s)*), as well as before the Hon'ble Gauhati High Court in WP(C) No. 1322 of 2017 (*Mridul Ray and Others v. The Union of India & Others*). Counsel further submits that, in light of the decisions rendered by the Hon'ble High Courts, the present application may be disposed of. Counsel also submits that the same relief may be granted to the petitioners as was granted to the petitioners in those writ petitions.

5. Learned counsel for the Union of India submits that a counter affidavit has been filed by the Deputy Inspector General/PSO, Border Security Force, wherein a specific stand has been taken that information regarding malpractice/irregularities came to the notice of HQ DG BSF. Thereafter, the role of all the Recruitment Agencies was scrutinized, and upon such scrutiny, all the Recruitment



Agencies were directed by the competent authority to terminate the entire recruitment process with immediate effect due to the said malpractice/irregularities. The Recruitment Agencies were also directed to stop further action in the recruitment process for the post of Constable (Tradesmen) and to issue letters to the candidates who were found eligible in the Detailed Medical Examination. It has been further intimated that all the candidates, including the petitioners, were informed by Frontier HQ BSF, North Bengal, about the termination of the entire recruitment process for 561 posts due to the irregularities/malpractice found therein.

6. In light of the submissions made above, it transpires to this Court that the Border Security Force at whose instance the recruitment process was initiated itself conducted an inquiry and found that malpractice/irregularities had been committed in the selection process. It is solely for this reason, the recruitment process was “**terminated simplicitor**”, without any specific allegation being made against anyone, particularly against the candidates.

7. Therefore, for this reason that the recruitment is “**terminated simplicitor**” this Court is not inclined to interfere in the present writ petition. However, since the Hon’ble High



Court of Gujarat at Ahmedabad has been pleased to observe in the case of *Pal Vikram Rameshbhai & 2 other(s) v. Chairman – Recruitment Board & 2 other(s)* (R/Special Civil Application No. 1895 of 2017), wherein paragraphs 26, 27, and 28 are particularly relevant, which state as follows:—

26. In the opinion of the Court, ratio of the Court in these judgments, would not apply to the facts of the present case, as the facts of the present case as discussed above, would not require any direction for undertaking process of segregating case of tainted candidates from non- tainted candidates.

27. In view of the aforesaid reasoning, the Court is not inclined to interfere in exercise of Art. 226 of the Constitution of India. No case is made out to issue any direction to the respondents to issue any direction to consider the case of the petitioner for appointment. However, the Court deems it fit to observe that considering the young age of the only petitioner left out and the fact that to the extent that inquiry by the BSF and the investigation by the CBI, which has progressed till date, does not indicate any illegality in the Centre, where the petitioner appeared. The Court leaves it open for the



petitioner to make the Representation to the respondent - BSF to treat the case of the petitioner in special facts and circumstances and if any vacancies still available, then consider the case of the petitioner in accordance with the law and communicate the outcome to the petitioner at the earliest.

28. In view of the aforesaid, the petition stands disposed of accordingly. Direct service is permitted.

8. The Hon'ble Gauhati High Court has also been pleased to observe in the case of *Mridul Ray and Others v. The Union of India & Others* (WP(C) No. 1322 of 2017), wherein paragraphs 8, 9, 10, 11, and 12 are particularly relevant, which state as follows:—

8. We also take note of that the cancellation of the selection process had been assailed in different High Courts inasmuch as, the whole process was an all India level selection. Writ petitions assailing the selection process was dismissed by the Calcutta High Court as well as by the Gujarat High Court and in the decision rendered by the Gujarat High Court, it was taken note of that the irregularities had taken place through the agency M/s C.S. Datamation, New Delhi through whom the



written examination was conducted.

9. In view of the aforesaid materials that had been produced on record, we are of the view that no arbitrariness or unreasonableness can be noticed in the act of the respondents in cancelling the entire selection process pursuant to the advertisement dated 21.05.2016.

10. In the circumstances, we are unable to find any merit in the writ petition requiring an interference with the decision of the respondents to cancel the selection process. But, however, as submitted by Mr. A Mobaraque, learned counsel for the petitioners and as provided by the Gujarat High Court in its judgment dated 18.07.2022 in Pal Vikram Rameshbhai and two others -vs- Chairman, Recruitment Board and two others, in R/Special Civil Application No. 1895/2017, the petitioners are also given the liberty to file individual applications before the respondent No. 4, if so advised and upon such applications, necessary orders thereon may be passed.

11. The writ petition is dismissed subject to the liberty to file the aforesaid representations, if advised.

12. Let a copy of the judgment of the High Court of Gujarat dated 18.07.2022 be kept on record.



9. Upon perusal of the aforesaid judgments, this Court is of the view that equal treatment should be extended to the petitioners.

10. Accordingly, the present writ petition stands dismissed, granting liberty to the petitioners to file individual applications before the Assistant Commandant, Ministry, Border Security Force, North Bengal, Frontier HQ BSF North Bengal (Respondent No. 4) within 30 days from today. Respondent No. 4 shall thereafter pass a reasoned and speaking order.

11. It is made clear that I.A. Nos. 1, 2, 3, 4, 5, 6, 7, and 8 of 2025 have not been pressed and are therefore dismissed as not pressed.

(Dr. Anshuman, J.)

Aman Kumar/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	23.07.2025
Transmission Date	NA

