

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No.2202 of 2020

Shilpi Baxi @ Shilpi Bakshi @ Shilpi Singh.....Petitioner
Versus
Union of India through CBIOpposite Party

Coram: HON'BLE MR JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. R.S. Mazumdar, Sr. Advocate
For the C.B.I. : Mrs. Nitu Sinha, Advocate

C.A.V On 18.03.2020

Delivered on 30/03/2020

Heard the parties.

The petitioner is an accused in connection with R.C. Case No. 04(A)/2013-R.

The prosecution story reveals that the accused public servants, who are the officials of Jharkhand Public Service Commission along with the private accused persons, had entered into a criminal conspiracy and in furtherance thereof they had dishonestly and fraudulently manipulated/allowed to manipulate the merit list, assessment chart etc. of the said examination/interview to extend undue benefit to their preferable candidates. It has also been alleged that during Jharkhand Eligibility Test 2006, the merit list was manipulated by one Dhiraj Kumar under the guidance and influence of Jharkhand Public Service Commission Officials in order to give undue benefit to certain candidates who were fraudulently declared qualified even though they secured less marks than the candidates who even after securing more marks could not qualify. It is also alleged that the marks in the assessment chart of the number of the candidates obtained during interview were increased to extend undue favours to them which facilitated their selection as Lecturers.

After investigation, chargesheet has been submitted against 69 persons including the Jharkhand Public Service Commission Officials and the beneficiaries including the petitioner.

It appears that pursuant to Advertisement No.1/07, which was with respect to recruitment of Lecturers in three Universities namely Ranchi University, Vinoba Bhave University and Sidho Kanhu Murmu University, the petitioner had applied and she was shortlisted for the interview and after conducting interview, she was selected for the post of Lecturer.

It has been stated by the learned senior counsel for the petitioner that the petitioner had a requisite qualification prior to her making an application and the investigating agency has failed to unearth any wrongdoing by the petitioner, which would indicate that she in connivance with the Jharkhand Public Service

Commission officials had managed to secure higher marks in order to be appointed as a Lecturer. It has further been stated that the petitioner is in custody since 24.2.2020.

Learned counsel for the C.B.I. has opposed the prayer made by the petitioner.

It appears that the petitioner at present is posted as an Assistant Professor (Lecturer) of Chemistry at Doranda College, Ranchi, which comes under Ranchi University. The charge sheet so far as the petitioner is concerned, it has come that the petitioner was declared selected on the basis of securing 57 marks for her career and 27 marks for the interview i.e. the total of 84 marks. The CFSL had deciphered that the petitioner was initially given 17 marks in the assessment chart, which was later manipulated to 27 marks. The assessment chart bears the signature of the Chairman of the Board Shri Dilip Kumar Prasad. It was thus concluded that the petitioner deserves only 80.6 marks whereas the minimum marks required was 82.

It is not the case of the C.B.I. that the petitioner was selected without having requisite qualification. The allegation against the petitioner is restricted to the marks, which were given in the interview and which according to the investigating agency implicates the connivance of the petitioner. However, it has also not come as to how the petitioner had manipulated her marks to secure the post of Lecturer. As has been stated above, the chargesheet has already been submitted and the petitioner is in custody since 24.2.2020.

Regard being had to the aforesaid facts, the petitioner, named above, is directed to be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand only), with two sureties of the like amount each to the satisfaction of learned Additional Judicial Commissioner cum Special Judge, C.B.I., Ranchi in connection with R.C. Case No. 04(A)/2013-R.

(Rongon Mukhopadhyay, J)

Rakesh/-