

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11062 of 2008

Madan Mohan Son of Phuldeo Yadav, Resident of Village Aurharia Narhaiya PS Lokhi, District Madhubani and at C/o Dr.C.B.Yadav, Gangjala, Ward No.19/2006, PS Saharsa, District Saharsa and at present Mahindra Apartment Munnachak, Rajendra Nagar, PS Kankarbagh, District Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chairman, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Bailey Road, Patna-1
3. The Deputy Secretary, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Bailey Road, Patna-1
4. The Deputy Secretary cum Examination Controller, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Bailey Road, Patna-1
5. The Examination Controller, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Bailey Road, Patna-1
6. The Center Superintendent, DAV Public School, BSEB Colony, New Punaichak, Patna- 23

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
Mr Rabindra Prasad Singh
For the State : Mr. Sanjay Prasad, AC
For the BPSC : Mr. Ranjit Sinha

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 24-08-2015

Petitioner filed the writ application because the respondent BPSC would not declare his result among the list of successful candidates for the post of Assistant Engineer as per the advertisement no.1 of 2006.

Stand of the counsel for the petitioner is that the petitioner had qualified at every stage and had a right of consideration for being one of the successful candidates for the same said post but for some strange reason and logic, BPSC did not include him in the list of

recommended candidates. Now on a spacious ground that the petitioner had not marked the question booklet series in the answer-sheet for Civil Engineering Paper VI he was not successful.

Counsel for the petitioner tries to draw advantage of the certification by the invigilator, which has been duly signed and is part of Annexure- 13. This is the endorsement on the answer-sheet of the petitioner.

BPSC takes a stand, which seems to be borne out from a look on the answer- sheet of the petitioner that he actually did not mark the booklet series as all the columns A, B, C and D have been left blank.

There is object and purpose why the booklet series is required to be marked. If the petitioner omitted to do so then in terms of the instructions, the answer-sheet is not required to be evaluated. That seems to be the primary reason why the petitioner lost out because his Civil Engineering Paper VI was not evaluated.

The respondent BPSC cannot be held to be at fault. In fact, the predicament of the petitioner is his own creation, may be by omission or design, which is not required to be investigated.

Writ application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

sk

U			
---	--	--	--