

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10209 of 2008

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Pramod Kumar, son of Sri Ram Laxhan Prasad Sinha, resident of village – Korwar,
P O – Dariyapur, P S – Islampur, District – Nalanda (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Personal and Administrative Reforms Department, Govt. of Bihar, Patna.
3. Bihar Public Service Commission, through the Chairman, Bihar Public Service Commission, Bailey Road, Patna.
4. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
5. The Under Secretary, Bihar Public Service Commission, Bailey Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. AMARENDRA KUMAR

For the Respondent BPSC : Mr. Lalit Kishore, Sr. Advocate
Mr . Satyabir Bharti

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 13-08-2015

Writ application of the petitioner was filed way back on 14.7.2008 when he was not recommended for appointment by the BPSC in the examination conducted by them, which was numbered as 45th Combined Competitive Examination. He wants a direction upon the respondents to make a recommendation for his appointment on a post suitable to him.

2. As per the declaration of result petitioner had 836 marks and he belongs to the Backward Class (BC). When he sought certain information from the BPSC as to what is the last cut off marks under the BC category candidates who have been recommended, he was shocked to learn that the cut off for the BC category was 827 as

would be evident from Anneuxre-8 dated 19.5.2008.

3. BPSC was directed to file counter affidavit and explain as to how a candidate having 836 marks could be left out and somebody with 827 marks would be recommended.

4. Certain disputes with regard to the recommendations made by the BPSC of various kinds of candidates were brought to the High Court earlier. This Court is not required to take note of all those details as to what was decided and the rationale for such a decision in those writ applications but the relevant orders were passed in CWJC No. 5930 of 2009 and CWJC No. 321 of 2006, which compelled the BPSC to re-work the recommendations. Such exercise led to churning of list of recommended candidates. Some who were left out had to be included and some who were recommended came to be ousted. The position which emerged from Annexure-8 did not stay at that.

5. The Court posed a question to the learned senior counsel representing BPSC as to what is the final marks on which a candidate belonging to BC category was recommended because if any candidate belonging to the category of the petitioner had lesser marks than 836 then surely a right of the petitioner would be established for consideration and direction.

6. Today minutes of the meeting dated 7.7.2011 has been produced by the counsel for the BPSC, which is placed on record. The

complete picture emerges from perusal of the same and the exercise which was done on the basis of the two orders of the High Court and it is evident there from that the last candidate recommended for appointment by BPSC under BC category had 838 marks.

7. If this is what emerges because of judicial interventions and directions then it cannot be a case that the BPSC ignored the claim of the petitioner despite the requisite merit position and marks and has recommended anybody with lower marks than him.

8. In view of the above, no relief can be extended to the petitioner.

9. Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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