

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.531 of 2013

Sanjay Kumar Chaudhary S/O Shri Krishna Chandra Chaudhary R/O Vill-Darhar,
P.S.-Bahadurpur, Distt-Darbhanga, Presently posted as District Programme Officer
(Planning & Account), West Champaran, Bihar

.... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna
4. The Bihar Public Service Commission through its Secretary, 15, Jawahar Lal Nehru Marg (Bailey Road), Patna-800001
5. The Chairman, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg (Bailey Road), Patna-800001
6. The Deputy Secretary, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg (Bailey Road), Patna-800001

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. AJAY KUMAR
For the Respondent State: Mr. VIVEKANAND SINGH, AC to GA8
For the B P S C : Mr. VIKASH KUMAR

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 27-08-2015

Heard counsel for the petitioner, counsel for the BPSC and
counsel for the State.

2. Petitioner was an applicant for the 44th Combined
Competitive Examination, conducted by the Bihar Public Service
Commission (for short, BPSC). Advertisement was of the year 2001.
Results were declared in the year 2004 and appointment offered to the
petitioner in the year 2005. Petitioner had been offered Bihar
Education Service and he joined the said service and has been

working in that capacity for a decade now.

3. Petitioner has filed the present writ application because he suspects that there is foul play committed by the BPSC in deliberately reducing the marks originally granted to him in various papers, obviously, with an oblique motive. Because of such conduct of the respondents, the petitioner did not end up in the service of his liking or at least he did not get a kind of opening which he was looking for. In support thereof he has annexed first page of various answer-sheets provided to him by the BPSC, may be under Right to Information.

4. Counsel for the petitioner tries to establish that in every paper there are cuttings and deduction in the marks without proper explanation as to why this should be permitted to be done.

5. Petitioner had joined the service in the year 2005. Rights have been created in favour of many candidates. Therefore, a settled position cannot be unsettled after more than a decade and that too, in absence of any of those candidates who may be affected by any kind of indulgence to the petitioner in the present writ application.

6. In addition to that, the respondent BPSC has filed a detailed counter affidavit where they have denied any kind of wrong doing on their part. They take a plea that moderation is also resorted to by the BPSC and what has been done with the answer-sheets is the

outcome of that exercise. The Examiner had evaluated the answer-sheets of the petitioner and had awarded certain marks. Thereafter the head examiner too did the evaluation for the purpose of moderation. This is done with all the candidates across the board and there was nothing unique about the answer-sheets of the petitioner. Obviously because there are some cuttings and endorsements, the petitioner is emboldened to take a chance by attacking the final results and the position which he acquired and held on it for more than ten years.

7. In the totality of the facts, discussed above, this Court is not inclined to interfere with position or result of the petitioner now since a cogent explanation has been offered by the respondents.

This Court can also record and opine that moderation of answer-sheets is not a unique feature which the BPSC indulges in. It is also being done even in the Civil Services Examination, conducted by the UPSC and many other examinations.

Writ application, therefore, has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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