

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5802 of 2007

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1. Ratneshwar Kumar Ratnesh Son of Sh. Mahabir Prasad, resident of Village- Mari, P.O.- Mari, P.S.- Nalanda, Dist- Nalanda.
 2. Manoj Kumar, Son of Sh. Rajendra Nath Mandal, R/o Professor Coony, P.O. & P.S.-Katihar, Dist.-Katihar.
 3. Deepak Kuamr, son of Shri Churaman Ram,R/O H1-136, Harmu Housing Colony, P.S.-Argora, P.O.-Harmu, District- Ranchi (Jharkhand).
 4. Yadunandan Kumar, son of Chakradhar Prasad Singh, R/O Vill- Khwashpur, P.S.- Pirpanti, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Dept. of Personnel, Government of Bihar, Old Secretariat, Patna.
3. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.
4. Deputy Secretary-cum-Ex- Controller, Bihar Public Service Commission, Bailey Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. K.C. Choudhary, Advocate.

For the State : Mr. Shailendra Kumar Jha, AC to AAG-13

For the BPSC : Mr. Sanjay Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

4 13-07-2015 Heard learned counsel for the parties.

2. Having regard to the fact that petitioners' prayer in this writ application as with regard to seeking correction in the result of the preliminary examination of 47th Combined Preliminary Examination published on 26.01.2007 has become academic and infructuous in the sense that the result of the 47th Combined Preliminary Examination has been made way back and in fact, thereafter the Bihar Public Service Commission has

already conducted 48th to 52nd Combined Preliminary Examination, this writ application must fail only on account of subsequent events.

3. The rest of the submission of the learned counsel for the petitioners that Commission should be directed to declare cut off marks in each of the category or declare the marks obtained by the petitioners, in view of the developments taking place in last eight years, has also no meaning and therefore, they are also rejected.

4. Finally as with regard to prayer of the petitioners to take action against the persons responsible for violation of Section 4 or 12 of the Bihar Reservation of Vacancies in the Post and Services (for Scheduled Caste, Scheduled Tribes and other Backward Classes), 1991, is also wholly misconceived inasmuch as the said provision is a penal provision for which the petitioners had to take recourse before a court of appropriate jurisdiction. In writ jurisdiction such prayer would always be misconceived and, therefore, that also has to be rejected.

5. In the result, this writ application fails and is hereby dismissed.

(Mihir Kumar Jha, J)

Sujit/-

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