

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8900 of 2014

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Sanjay Kumar, Son of Sri Rambilash Sharma, Resident of Towi Neega,
P.O.- Neenge, P.S.- Begusarai, District- Begusarai

.... Petitioner

Versus

1. The Principal Scretary Department of Administration and Personnel State of Bihar
2. Secretary, B.P.S.C., J.N. (Bailey) Road, Patna
3. The Chairman, B.P.S.C., J.N. (Bailey) Road, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Kameshwar Singh, Adv.
For the Respondent/s : Dr. Shobha Choubey, AC to GP19
For BPSC : Mr. Satyabir Bharti, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

2 27-09-2016 Writ application has been filed by the petitioner because he has not been given the opening by the Bihar Public Service Commission in Combined 53rd- 55th Competitive Examination.

Stand of the petitioner is that he belongs to physically handicapped category (EBC) and he has learnt that the cutoff marks under his category for physically handicapped notified by the BPSC was 598. The petitioner had 634 marks in the Mains Examination. Still he was not called for the interview and has not been appointed. He has obtained certain information and inputs which does not satisfy him fully as to why the petitioner would not have been recommended for appointment.

From the counter affidavit filed on behalf of the BPSC the



reason indicated is that the fault lies with the petitioner. The petitioner had appeared in the Mains Written Examination and had obtained 634 total marks, whereas the cutoff marks for EBC was 674 and that is the reason he was not declared successful. So far as the claim of the petitioner now that he belongs to handicapped category is concerned, they have brought on record Annexure 'A' which is original OMR sheet of the petitioner, which indicates that he had not declared himself a handicapped by not encircling or shading the column 'disability' and the optical computer, therefore, did not create database of the petitioner under the category of physically handicapped. On the basis of overall performance of the petitioner and treating the petitioner to be an EBC candidate alone, result was declared as not qualified. There is no mischief or mystery involved with regard to non-appointment of the petitioner.

The writ application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

Surendra/-

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