

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8894 of 2015

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Sangeeta Kumari, Daughter of Sri Chandra Bhushan Kumar, and wife of Sri Nitesh Krishnana, resident of village - Surajpur, P.O. & P.S. - Nalanda, District - Nalanda, PIN- 803111; At present D/o Sri Chandra Bhushan Kumar, ADJ (Ad-hoc)-I Civil Court, Bhagalpur, PIN 812001.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary to the Government of Bihar, Patna - 1.
2. The Principal Secretary to the Government of Bihar, Department of General Administration, Patna - 1.
3. The Secretary to the Government of Bihar, Department of Law, Patna - 1.
4. The Bihar Public Service Commission, Patna - 1.
5. Secretary, Bihar Public Service Commission, Patna - 1.
6. The High Court of Judicature, through Registrar General, Patna - 1.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Singh, Advocate

For Respondent Nos. 1 to 3: Mr. Shashi Shekhar Prasad Sinha,
A.C. to G.A.6

For Respondent No. 4 : Mr. Lalit Kishore, Sr. Advocate
Mr. Sanjay Pandey, Advocate

For Respondent Nos. 5, 6 : Mr. Piyush Lal, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 19-12-2016

Heard learned counsel for the parties.

2. The petitioner is a candidate for 27th Bihar Judicial Service Competitive Examination, the advertisement for which was published on 3rd of July, 2009. The petitioner appeared as a General Category candidate and that the last candidate who has been declared successful obtained 566 marks. The petitioner has obtained 565



marks.

3. The grievance of the petitioner is that the total of the marks has not been correctly made in the answer-sheet of Elementary General Science inasmuch as her seven answers to the first part of Question-1 are correct and since each question carries one mark she should have been given seven marks for the questions appearing in Part-1(a), whereas in the second part, her all answers are correct, but the examiner has given total of 13 marks, therefore, there is mistake in total.

4. The petitioner has attached the photo copy of her answer-sheet obtained by her under the Right to Information Act along with the writ application. We found that the marking is not properly visible during the course of hearing, therefore, we directed the Bihar Public Service Commission to produce the answer-sheet. Such answer-sheet has been produced today in Court. A perusal thereof shows that her seven answers of, Question No. 1 (Part-a) have been marked as correct by the examiner whereas, in respect of Part-b of the said question, the examiner has given 1½ marks for Question Nos. 1 and 2, one mark in respect of two others i.e. Question Nos. 4 and 5, whereas, no mark is appearing to be assigned to the 3rd answer. Since the total of four answer marks become 5 but she has been assigned six marks, it appears that in respect of Answer No. 3 she has



been assigned one mark. Thus the total of Question 1 is correct that is 7 of Part-a and 6 of Part b, total 13 marks, that is the marks assigned to her.

5. Since the marks have been assigned for each answer, which marks find mentioned in the opening page of the answer-sheet, we do not find any error in the total of the marks which may warrant interference in the writ jurisdiction of this Court.

6. The writ application is, thus, dismissed.

7. The answer-sheet be returned back to the Bihar Public Service Commission.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	23.12.2016
Transmission Date	

