

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20994 of 2014

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Rajeev Ranjan Son of Shriniwash Tiwary Resident of Mohalla West Raja Bazar,
P.S.- Motihari Towan Dist.- East Champaran.

.... Petitioner

Versus

1. The State of Bihar through Secretary Law Department, Govt. of Bihar.
2. The Bihar Public Service Commission Patna through its Chariman.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Bal Govind Sharma, Advocate
For the State	:	Mr. Shyam Kishore Sharma, G.A.1
For B.P.S.C.	:	Mr. Lalit Kishore, Sr. Advocate
		Mr. Satyabir Bharti, Advocate
		Mr. Sanjay Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-01-2016

Petitioner was one of the candidates who has failed to make it on the post of Assistant Prosecution Officer in the examination conducted by Bihar Public Service Commission (hereinafter referred to as 'B.P.S.C.').

The assertion in the writ application is that there are four questions at serial no.70, 78, 114 and 142 in booklets 'D' series whose answers were wrong. If these four questions are either deleted or marks are awarded to the petitioner, he will very much be part of the selected candidates' list since the last candidate who has been selected has 186 marks.

Submission of the counsel for the petitioner is rather attractive. However, in the given facts, there is difficulty for this

Court to extend any relief to him from the facts which emerge from the pleadings of B.P.S.C.

After the examination was held, the model questions and answers were placed on the website of B.P.S.C. Objections were invited from the candidates with regard to the same. Based on the response and objections received from diverse quarters, a committee of experts sat down and decided and had a re-look on the questions and the answers and the correct model questions and answers were agreed upon by the committee and that was utilized for evaluation of the answer sheet of all the candidates. The results have been declared of the preliminary examination. Examination for the mains has also been conducted. After all this stage has been crossed, the petitioner at a belated stage has now come out with objections of four questions being wrong.

There has to be some kind of time frame as well as agreed modality based on which the evaluation is required to be made. B.P.S.C. cannot keep waiting for objections to be raised as per the convenience of failed candidates. Petitioner had adequate knowledge and opportunity to bring it to the notice of the respondent authorities during the time frame fixed by them. The expert committee's recommendation has been utilized for evaluation across the board for every candidate. The advantage and disadvantage, therefore, must

accrue to every participant in the said examination and the Court is not willing to re-open the issue by again entertaining objections by individuals when they themselves have failed to avail the opportunity granted to them.

In the totality, therefore, the ground urged by the petitioner cannot form the basis for either stalling the process of selection or conduct of any examination much less a direction to treat the petitioner as one of the successful candidate on the basis of answers of those four questions.

Writ is dismissed.

(Ajay Kumar Tripathi, J.)

Sanjay/-

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