

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8096 of 2014

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Niraj Kumar Singh (roll No. 138525) Son of Sri Ram Krishna Singh, Resident of
Village- Ganauli, Post- Madhodih, P.S.- Harpur, District- Munger

.... Petitioner

Versus

1. The State of Bihar through the Secretary of Human Resources Department, Bihar at Patna
2. The Secretary, Bihar Public Service Commission, Patna
3. The Examination Controller, Bihar Public Service Commission, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajani Kant Pandey, Advocate
For the State : Mr. Manoj Kumar Ambastha, G.P.14

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-09-2016

Petitioner is one of the candidates who did not succeed in 53rd – 55th combined (Pre) competitive examination conducted by Bihar Public Service Commission. The petitioner, therefore, obtained the zerox copy of the answer sheets and he perceived certain errors in the tabulation and award of marks which convicted him that a case is made out for judicial intervention.

He has filed the writ application with a prayer that the respondents B.P.S.C. should be given a direction to add 26 marks in the two geography papers and then declare his result afresh.

Counsel for the petitioner has annexed the answer sheet of the two papers and has shown before the court that certain marks have been awarded in the questions in the answer sheet but they do no

add up in the total and, therefore, patently error has been committed in the final tabulation and the actual marks which petitioner has received in the evaluation.

The respondents B.P.S.C. have filed a counter affidavit. They have explained the so-called aberration if it is one at all. They have considered the objection and the grievance of the petitioner but after due verification of the answer sheet and tabulation, the outcome has been communicated vide letter dated 2.5.2014 which is Annexure-B to the counter affidavit.

If Annexure-B is read with the answer sheet of the petitioner then everything falls in the right perspective. The total marks awarded to the petitioner tallies with the total. The problem has been created in the opinion of the court because the examiner concerned has been a little casual regarding award of marks while evaluating the answer sheet but putting certain marks in the middle of the answer but the actual marks has been recorded at the end of the answer, in the two answer sheets which tallies with the final marks.

The Court has carefully gone through two answer sheets as well as the questions which have been annexed with the rejoinder application of the petitioner. On consideration of the submission of the counsel for the petitioner with regard to award of marks, the reason for the misgivings in the mind of the petitioner is not

misplaced, but the actual position does not alter from what has been communicated to the petitioner in terms of Annexure-B. The final tabulation and the award of marks in the answer sheet do tally.

In the totality therefore the Court is satisfied that there is no mischief as such which has been played in the evaluation or award of marks to the petitioner. However, the B.P.S.C. would be well advised to hold workshop of the evaluators and give clear communications before the evaluation so that such mistakes do not happen and which un-necessarily create apprehension about the fairness of the evaluation of a candidate’s performance.

The writ petition therefore is dismissed being devoid of merit.

(Ajay Kumar Tripathi, J)

N.H./-

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