

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4416 of 2014

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Shiv Shankar, Son of Shri Suresh Prasad Singh, House No. A-27, Mohalla- A.G. Colony, P.S.- Shastri Nagar, Post- Ashiana Nagar, District- Patna- PIN Code- 800025

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Personnel and Administrative Reforms, Bihar, Patna.
2. Controller of Examination, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg (Bailey Road), Patna-800001
3. Superintendent of Examination, Examination Centre, Kamla Nehru Uchcha Madhyamik (+2) Balika Vidyalaya, Yarpur Gardanibagh, Patna.
4. Invigilator, (Room No. 7/Ki), Examination Centre, Kamla Nehru Uchcha Madhyamik (+2), Balika Vidyalaya, Yapur, Gardanibagh, Patna.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Shiv Shankar (In Person)

For the B.P.S.C. : Mr. Lalit Kishore, Sr. Advocate.
Mr. Vikash Kumar, Advocate.

For the State : Mr. Ramadhar Singh, G.P.-25.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 02-12-2016

Heard the petitioner and the counsel for the respondents.

2. The petitioner was a candidate for 28th Bihar Judicial



Service (Preliminary) Competitive Examination, 2012. He was assigned Kamla Nehru Higher Secondary (+2) Girls School, Gardanibagh, Patna as Examination Centre. On a particular day, he reached the Examination Centre but sat on Seat No. 8714 though it was Seat No. 8847 which was allotted to him. He was given Answer Sheet meant for candidate who was to sit at Seat No. 8714. Incidentally, the candidate who was allotted the said seat was absent. The petitioner came to know about the mistake subsequently and then, he shifted to Seat No. 8847 where he was not permitted to attempt his examination. It is also contended that he appeared in the other examinations on subsequent date, but the marks obtained by him are not sufficient to qualify the said examination even if he is granted marks on average basis on the basis of attempt made by him in the examination in question.

3. The result was declared on 23rd of December, 2013. We do not find that at this stage, petitioner can be granted any substantive relief. He has admitted that he will not qualify the test even on the basis of marks in the other subjects. It was his action, when he appeared from a seat of another candidate. The consequence of such mistake cannot be called upon the respondents. Therefore, we do not find that any relief can be granted to him in the present writ application.



4. The writ application is, thus, dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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