

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.927 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 1137 of 2014**

Prabhat Kumar, S/o Kapildeo Thakur, present address-C/O- Indranand Thakur,
Thakur Medical Store, M.G. Marg, P.S.+P.O.+Dist- Khagaria.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Old Secretariat Building, Patna.
2. The Bihar Public Service Commission through the Chairman, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg, Bailey Road, Patna.
3. Kumar Narendra Neeraj, S/O- Late Ram Narayan Prasad, resident of- Pohaddi, P.S.- Ghanshyampur, District- Darbhanga.

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Chakrapani, Mr. Vikas Kumar
and Mr. Amit Kumar, Advocates
For the State : Mr. Kaushal Kumar Jha, AAG 14
Mr. Satyabir Bharti and Ms. Aparna Arun
For BPSC : Mr. Lalit Kishore, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 25-04-2016

The order dated 23.02.2015 passed by the learned Single Judge in CWJC No. 1137 of 2014 is the subject matter of challenge in the present Letters Patent Appeal. By the aforesaid order impugned in the appeal, the writ application filed by the appellant challenging the result in the subject of History Paper -II for the 53rd-55th Common Combined Competitive Examination held in the year 2011 by Bihar Public Service Commission (hereinafter referred to as 'BPSC')

remained unsuccessful.

The grievance of the appellant is that in the subject of History Paper –II, he was originally awarded 26 marks for Question Nos. 1, 2 and 9, whereas by subsequent interpolations he was awarded 24 marks for these three questions. Such interpolation is said to be not only in the opening page of the answer-sheet but also when the Examiner marked the said questions. Therefore, on the basis of the marks originally assigned to the appellant, he would be in the list of successful candidates having obtained more marks than that of the last candidate selected.

Having heard learned counsel for the parties, we find no merit in this appeal. No doubt, there is some change of marks, i.e. from 26 to 24 in respect of Question Nos. 1, 2 and 9 but the total mark given by the Examiner negates the arguments raised on behalf of the appellant. In figures, the total mark is mentioned 121 and in words “*One hundred twenty one*”. There is no over-writing or interpolation when the marks are written in words as *One hundred twenty one*. Though there is cutting of one word but it does not appear to be any interpolation to 121. Since the Examiner has totalled the marks obtained as 121, it is the said mark which has been taken by the BPSC in the final result.

We do not find that the appellant can be permitted to claim

that he has obtained 127 marks though the Examiner has made it absolutely clear while writing marks in the words as *One hundred twenty one*.

In view thereof, we do not find any error in the order passed by the learned Single Judge which may warrant any interference by this Court in the present Letters Patent Appeal.

The appeal is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

mrl

U			
---	--	--	--