

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5405 of 2016

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1. Bittu Kumar Son of Raj Kishore Prasad resident of Village - Udarchak, P.S. - Bikram, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar.
2. The Secretary, Bihar Public Service Commission, Patna.
3. The Joint Secretary-Cum-Examination Controller, Bihar Public Service Commission, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Chittaranjan Sinha, Sr. Advocate
Mr. Prabhu Nath Pathak

For the State : Mr. Anil Kumar Tiwary, AC to AAG 13

For BPSC : Mr Sanjay Pandey

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 29-03-2016

Petitioner has been barred from participation in the examination for appointment on the post of a Lecturer in the Government Polytechnic Colleges in the State of Bihar. Petitioner responded in terms of the advertisement contained in Annexure- B to the counter affidavit filed on behalf of the BPSC. It is the bar created by BPSC which has brought the petitioner before this Court.

Stand of the learned senior counsel for the petitioner is that the petitioner had endorsed the advertisement number and the post on the envelope along with his application but unfortunately by oversight, he forgot to indicate the advertisement number as well as

the post in the application form, a fact which cannot be denied or disputed since the application form of the petitioner has been brought on record as Annexure- C to the counter affidavit filed on behalf of the BPSC.

A look at Annexure- B will indicate that the advertisement is a combined advertisement for various posts and with large number of advertisement numbers, starting from 29 of 2014 to 43 of 2014. Obviously, the application form was required to indicate the advertisement number and the post so that the application could be processed accordingly but since the petitioner has chosen not to fill in the required column in his application form, it is a serious omission on the part of the petitioner for which he has to pay the price.

Such omission is not standalone on behalf of this petitioner. The Court is informed by the counsel for the BPSC that 203 applications have been rejected for similar or such reasons. If this be so, petitioner cannot be given any march or advantage over all those ineligible candidates, who have failed to carry out the instructions indicated in the advertisement as well as the application form.

What is further not condonable is that the column with regard to advertisement number as well as the post has been provided right at the top of the application form and it is the first column which

every candidate is required to fill, which has not been done. Obviously, the petitioner may not be competent enough to understand even how to fill an application form for public employment whatever be his knowledge and degree, which makes him eligible for consideration for the post.

The Court will not exercise its discretion by giving any indulgence to him to participate in the examination, which is beginning tomorrow i.e. 30th of March, 2016.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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