

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15945 of 2013

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1. Shashi Kant Suman S/O Sri Sharda Nand Singh Resident Of Vill.- Barichak,
P.O.- Lala Bhadsara, District- Patna

2. Anil Kumar Singh S/O Sri Fuleshwar Prasad Singh Resident Of Vill. + P.O.-
Sugara, District- Saharsa

3. Abhishek Raj S/O Chandrakant Jha Resident Of Flat No.- 301, Srilok Apartment,
Near Sulabh Office, New Patliputra Colony, Patna

.... Petitioner/s

Versus

1. The Government Of State Of Bihar Through The Chief Secretary Government
Of Bihar, Old Secretariat, Patna

2. The Principal Secretary General Administration Department Null Government
Of State Of Bihar, Old Secretariat, Patna

3. The Bihar Public Service Commission Through Its Secretary, Bailey Road,
Patna

4. The Chairman, Bihar Public Service Commission, Bailey Road, Patna

5. The Secretary, Bihar Public Service Commission, Bailey Road, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the State : Mr. Vivek Prasad, GP. 7.
Mr. S.K. Saraf, Ac to GP-7

For BPSC : Mr. Satyabir Bharti, Advocate.
Ms.Arpana Aruni, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 06-12-2016

No one appears on behalf of the petitioner. However,
learned counsel for the State and Bihar Public Service
Commission are present.

Petitioner is challenging the result of main examination
of 53rd to 55th Common Combined Competitive (Mains)
Examination claiming that there cannot be different cut off
marks for different categories of candidates.



It appears that Commission issued an advertisement on 14.1.2011 for conducting 53rd to 55th Combined Competitive Examination and applications were invited. Petitioner has also applied for the same. He was declared successful in the preliminary test as he stated in paragraph 6 that the main examination was conducted and result was published but he was not shown as successful candidate. The ground has been mentioned that in the main examination the Commission has fixed different cut off marks for different categories of candidate which is under challenged. Under the reservation policy, always different cut off marks is prescribed for different categories of candidates as in general category higher cut off marks is fixed followed by the backward candidate and different cut off marks is fixed for scheduled caste and scheduled tribes. There is no arbitrariness or any deviation in fixing different cut off, from the principle of Articles 14 and 16 of the Constitution of India which prescribes the reservation in the matter of service for backward categories of candidate and on that ground selection cannot be held to be bad.

Learned counsel for the Commission has placed reliance on the judgment of this Court in the case of Rakesh Kumar & Ors v. Krishna Singh & Ors., reported in 2016(3) PLJR 909



where the Court has said that if sufficient number for scheduled caste and scheduled tribes candidates were not available for making availability of sufficient number of candidates to participate cut off from them may be reduced which does not violate the constitutional provision.

In such view of the matter, this Court does not find any merit in this writ petition. It is accordingly dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
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