

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4021 of 2017

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1. Amit Kumar, son of Ajay Kumar Chaudhary, resident of Rajapur Dujra, Gate No.16, Patna, P.S. Buddha Colony, District Patna
 2. Gaurav Kumar Mishra @ Gaurav Mishra, son of Sri Murali Manohar Mishra, Flat No. 403, Block E1 Subhas Nagar Housing Complex Rishra, P.O. Paabhas Nagar, P.S. Serampore, District Hoogly, West Bengal
 3. Md. Sarfaraz Nawaz son of Md. Salim, resident of village + P.O. Hasanpur Barharwa, P.S. Bajpatti, District Sitamarhi, Bihar- 843314
 4. Md. Abshar Alam, son of late Md. Mumtaz Alam, resident of village Kusthan, Post + P.S. Bihariganj, District Madhepura, Bihar- 852101
 5. Kumari Chetanya wife of Mr. Tuntun Kumar, resident of village + Post Bhadas, District Khagaria, Bihar- 851204
 6. Mani Kant, son of Arun Kumar, resident of village Bhuidhara, near National Public School, P.O. Dhurlac, P.S. Muffasil, District Samastipur, Bihar- 848101
 7. Shashi Kant son of Arun Kumar, resident of village Bhuidhara, near National Public School, P.O. Dhurlac, P.S. Muffasil, District Samastipur, Bihar- 848101
 8. Saurav Kumar son of Laliteshwar Pandey, F/No. 210, Shyam Kutir Apartment, Siddharth Nagar, Jagdeo Path, Patna- 800014
 9. Chandan Kumar Jha @ Chandan Jha, son of Santosha Nand Jha, resident of village Chunabhatti, P.O. Laxmi Sagar, P.S. KSDSU, District Darbhanga
 10. Sanjeet Kumar son of Pramod Kumar Verma, Kharahiya Basti Near Vyapar Mandal, P.O. and P.S. Araria, District Araria, Bihar- 854311
 11. Anurag Kumar, son of Suresh Chandra Paswan, resident of 306, P.R.D.A. Flat Block No. 1/93, Road No.13, Rajendra Nagar, Patna-16, Bihar 800016
 12. Manish Kumar, son of late Ram Lochan Rai, resident of village + P.O. Nainpura, P.S. Pachrukhi, District Siwan, Bihar- 841241
 13. Rakesh Ranjan son of S.N.Biswas, Flat No. 304, Niharika Apartment, Sheikhpura, Baily Road, Patna- 800014 (Bihar)
 14. Avinash Kumar @ Avinash son of Umesh Prasad Jaiswal, at Danapur, P.S. Danapur, District Patna

.... Petitioners

Versus

1. The Bihar Public Service Commission through its Secretary, 15- Jawahar Lal Nehru Marg, Bailey Road, Patna
2. The Chairman, the Bihar Public Service Commission, 15- Jawahar Lal Nehru Marg, Bailey Road, Patna
3. The Additional Secretary cum Examination Controller, the Chairman, the Bihar Public Service Commission, 15- Jawahar Lal Nehru Marg, Bailey Road, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sarva Deo Singh, Adv.
For the Respondent/s : Mr. Sanjay Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 27-03-2017



Heard learned counsel for the parties.

The 60th to 62nd Common Combined (Preliminary) Competitive examination conducted by the Bihar Public Service Commission is over and the petitioners herein pray for holding supplementary examination because their Admit Cards were not being downloaded despite repeated efforts.

May be what the petitioners contend is correct and may be the grievance raised is genuine but it is unfortunate that though the Admit Cards were to be downloaded with effect from 28th January, 2017 and the petitioners were facing difficulties as they contend but they did not chose to come before this Court nor did chose to represent in this regard until the date of examination i.e. 12.2.2017.

Mr. Sarva Deo Singh, learned counsel for the petitioners, has relied upon a Bench decision of this Court in C.W.J.C.No. 2131/2017 to persuade this Court for a direction for holding a supplementary examination, inter alia, on grounds that there was no fault on the part of the students, when the server did not function properly to facilitate downloading of Admit Card as in the case of the petitioners in C.W.J.C.No. 2131/2017 and thus appropriate direction may also be issued in the case of the petitioners to the respondent authority of the Bihar Public Service Commission to hold supplementary examination. In support, learned counsel has also relied upon a judgment of this



Court reported in 2009(3) PLJR 878 (**The Bihar Public Service Commission & ors. v. Mukesh Kumar Singh & ors.**).

It is the submission of Mr. Sanjay Pandey, learned counsel appearing for the B.P.S.C. that the records does not indicate whether or not applications were filled up properly by the petitioners because no hardcopy of the application form is on record. He next makes reference to the order passed by the Division Bench in L.P.A.No. 235/2017 to submit that the Division Bench had witnessed the demonstration of the process of online submission of the application form and on appreciation thereof, did not agree with the finding recorded by the Single Bench in C.W.J.C.No. 2131/2017. He submits that since in between the order of the Writ Court and the order of the Division Bench, several applications had been received from the candidates, in the circumstances existing, the Commission chose to withdraw the Letters Patent Appeal to raise the issues pleaded before the Division Bench, in proper proceeding and thus are being raised herein.

I have heard learned counsel for the parties and have perused the records.

As stated by Mr. Sanjay Pandey, learned counsel appearing for the Commission, none of the petitioners have placed their hardcopy of the application form on record. Whether or not they have



filed their application in the manner required is thus, itself in question.

Apart from the dispute raised by Mr. Pandey, on the issue of filling up of application form, even otherwise, I am not persuaded to grant indulgence at this stage because despite sufficient time available to the petitioners in between the downloading of the Admit Cards and the date of examination these petitioners did not chose to knock the door of the forum at the proper time. Now that the examination is over and there is nothing on record to show that the petitioners did raise any grievance before any forum and whether or not the procedure prescribed for downloading of the application form as well as Admit Card has been properly followed by the petitioners, I am not persuaded with the prayer made by the petitioners for holding supplementary examination.

The writ petition is disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.04.2017
Transmission Date	NA

