

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.606 of 2017
IN
Civil Writ Jurisdiction Case No. 17137 of 2016**

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Touqeer Kibria, S/o Jamal Kibria, R/o Mohalla - Neel Kothi, P.O. - Dehri-On-Sone,
P.S. - Dehri-On-Sone, District - Rohtas.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of General Administration, Old Secretariat, Patna.
3. The Bihar Public Service Commission, Bailey Road, Patna through its Secretary.
4. The Examination Controller, Bihar Public Service Commission, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amarendra Kumar, Advocate

For the Respondent/s : Mr. Prabhat Kumar Verma, AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 29-06-2017

Seeking exception to an order passed on 07.03.2017 by the learned Writ Court in Civil Writ Jurisdiction Case No.17137 of 2016, this appeal has been filed by the petitioner under Clause 10 of the Letters Patent.

An advertisement was issued by the Bihar Public Service Commissioner (hereinafter referred to as 'the Commission') for the 53rd to 55th Competitive Examination for appointment to the Gazetted posts in the State of Bihar. The advertisement was issued and thereafter the examination in pursuance to the same was conducted in May-June,



2012 and the result of the examination was declared on 16.08.2013. The petitioner had some reservation with regard to question no.7 concerning the petitioner and took up the issue. However, for a period of three years from 13.12.2013, the petitioner did not take any action and challenged the evaluation contained with regard to question in the year 2016. After taking note of the various factors, the learned Writ Court found that the Public Information Officer on 31.12.2013 has informed the petitioner about the outcome of the information sought for and finding that the petitioner did not challenge the result of the examination for a period of three years, the learned Writ Court refused to interfere in the matter.

Learned counsel for the petitioner tried to point out that some decision was taken by the Commission in their file with regard to representation of the petitioner and as the decision was not communicated to the petitioner, there was no delay on the part of the petitioner.

We are unable to accept the aforesaid contention of the petitioner. In the matter of there being any mistake on the question, if the petitioner had any grievance, he should have agitated the matter immediately after the representation was filed or the result declared. It was not proper on the part of the petitioner to sleep over a period of three years after the representation was filed and the result declared and



in dismissing the writ petition on such consideration, the learned Single Judge has not committed any error. Within this period of three years, entire process has been completed, rights have accrued to various persons, therefore, reopening of the matter after three years at the instance of the petitioner even if the petitioner has some case, is not warranted.

Accordingly, finding no error in the order of the learned Single Judge, the appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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