

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17742 of 2017

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1. Ashwini Kumar, Son of Sri Anil Kumar, Resident of Village/Mohalla- Amodei, P.O.- Amodei, P.S.- Ramgarhwa, District- East Champaran (Motihari).
 2. Vishal Kumar Gupta, Son of Sri Vijay Kumar Gupta, Resident of Village/Mohalla- Amodei, P.O.- Amodei, P.S.- Ramgarhwa, District- East Champaran (Motihari).
 3. Pratik Kumar, Son of Sri Rajesh Kumar, Resident of Village/Mohalla- Ward No.2, Near N.A.C. Office, Kachahari Road, Mirganj, Uchkagaon, P.O.+P.S.- Mirganj, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. Principal Secretary, Science and Technology Department, Govt. of Bihar, Patna.
3. Bihar Public Service Commission through its Secretary, 15, Jawaharlal Nehru Marg, Bailey Road, Patna.
4. Chairman, Bihar Public Service Commission, Bihar, Patna.
5. Additional Secretary cum Examination Controller, Bihar Public Service Commission, Patna.
6. Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad, Sr. Adv. Mr. Pramod Kumar, Adv. Mr. Ritesh Kumar, Adv.
For the Respondent/s	:	Mr. Ajay - GA-5 Mr. Ashish Kumar Lal, A.C. to G.A.5
For the B.P.S.C.	:	Mr. P.N. Shahi, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 05-12-2017

Heard Mr. Rajendra Prasad, learned Senior counsel, who appears along with Mr. Pramod Kumar Advocate on record for the petitioner, learned State counsel and Mr. P.N. Shahi, learned Senior counsel for the B.P.S.C.

The petitioners have questioned the advertisement at Annexure- 7 on grounds that it only entitles a graduate to apply against the post. According to Mr. Prasad the circular of the State Government itself permits examinees who have appeared in the examination and are



awaiting results, to participate in a selection process. It is not in dispute that the cut of date for testing eligibility was extended under the orders of this Court passed in C.W.J.C. No. 5799 of 2017 until 01.08.2017 and it is also not in dispute that until that date these petitioners are yet to appear in their examination for even though Mr. Prasad learned Senior counsel argues to justify their participation he cannot dispute that the practical examination was yet to take place on 1.8.2017 and which took place only on 04.08.2017 which was after the cut of date.

The circumstances do explain that it is not a case where these petitioners had already participated in the examination for qualifying as a graduate and were awaiting result rather they were yet to complete their examination which included the practical papers, the examination for which was to take place after the cut of date on 4.8.2017.

In the circumstances, the petitioners cannot be held eligible for participation in the selection process for on the cut of date i.e. 1.8.2017 they were yet to appear in the papers to qualify on eligibility. No cause for indulgence is made out in the circumstances expressed.

The writ petition is disposed of.

Bibhash/-

(Jyoti Saran, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.12.2017
Transmission Date	NA

