

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3868 of 2016

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Gajendra Kumar, Son of Jugeshwar Paswan, resident of Village- Budanichak, P.S.-
Barh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Health Department, New Secretariat, Patna.
3. The Joint Secretary -cum- Controller of Examination, Bihar, Public Service Commission, Patna.
4. The Sectional Officer -cum- Public Information Officer, Bihar, Public Service Commission, Patna.
5. The Secretary, Bihar Public Service Commission, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Respondent-State : Mr. Upendra Pratap Singh, AC to SC-4
For the Respondent-BPSC: Mr. Sanjay Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 25-05-2017

Leave is granted to the learned counsel for the petitioner to add the Secretary, Bihar Public Service Commission as a party respondent.

Heard Mr. Manoj Kumar Singh, learned counsel appearing for the petitioner, learned counsel for the State and Mr. Sanjay Pandey, learned counsel appearing for the Bihar Public Service Commission.

The petitioner has questioned the communication made by the Section Officer cum Public Information Officer of the Bihar Public Service Commission, Patna dated 27.11.2015, whereby the



petitioner has been informed that since he failed to produce the original M.B.B.S. degree for verification, his candidature has been cancelled and which has been uploaded on the website.

The grievance of the petitioner is that the cancellation of candidature is wholly incorrect because he was very much present with his originals on the date of interview as explained by him in the representation addressed to the Chairman, Bihar Public Service Commission dated 30.11.2015. Since the representation has given no result hence this writ petition.

When this matter is taken up for consideration Mr. Singh, learned counsel appearing for the petitioner has invited the attention of this Court to a judgment and order of a coordinate Bench of this Court passed in CWJC No.6151 of 2016 (Dr. Birendra Durbey Vs. The State of Bihar) to submit that on a similar issue having drawn the attention of the Bench the writ Court placing reliance on the opinion expressed by the Division Bench, has directed the Commission to consider the candidature of the petitioner of the said case and decide the same within a period of four weeks. He submits that the case of the petitioner is covered by the said judgment.

There is no dispute nor any contest on the judgment placed at Annexure 'B' to the interlocutory application and rightfully the reliance is placed by learned counsel for the petitioner, except that



it is submitted by Mr. Pandey, learned counsel appearing for the Commission that in one of such cases, a review petition is pending consideration before the Division Bench.

Be that as it may, having heard learned counsel for the parties and considering the opinion already recorded by this Court in similar circumstances as reflecting from judgment passed in CWJC No.6151 of 2016 enclosed at Annexure-B to I.A. No.1832 of 2017 I am satisfied that the petitioner is entitled to similar relief and accordingly the Secretary, Bihar Public Service Commission, Patna is directed to do the needful and take necessary steps for verification of the original documents of the petitioner within three weeks of the date of receipt/production of a copy of this judgment.

The writ petition is allowed.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01-06-2017
Transmission Date	NA

