

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.488 of 2015
IN
Civil Writ Jurisdiction Case No. 7499 of 2014**

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Brajesh Kumar Singh. S/o Ganesh Prasad Singh. Resident of Mohalla - Banana,
P.S.- Shahkund, P.O.- Punchrukhi, District - Bhagalpur, Bihar.

.... Appellant

Versus

1. The State of Bihar.
2. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
3. The Bihar Public Service Commission through its Chairman, Bailey Road, Patna.
4. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.
5. The Principal Secretary, General Administrative Department, Secretariat, Government of Bihar, Patna.
6. The Principal Secretary, Finance, (Commercial Tax) Main Secretariat, Patna.
7. The Principal Secretary, Rural Development Department, Main (Old) Secretariat, Patna.
8. The Chief Secretary, Government of Bihar, Old Main Secretariat, Patna, Bihar.
9. Bipin Kumar. S/o Binay Kumar Biswas. Resident of Village - Kharhat, P.O.- Narayanpur, P.S.- Raniganj, District - Araria.
10. Suraj Kumar Singh. S/o Late Badrinath Singh. Resident of Mohalla + P.S.- Baliya, District - Baliya (Uttar Pradesh).

.... Respondents

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Appearance :

For the Appellant : Mr. Abul Kalam, Advocate
For the Respondent State: Mr. Anil Kumar Sinha, GA-1
For the Respondent BPSC: Mr. Sanjay Pandey, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 14-07-2017

Heard counsel for the parties.

In absence of any judgment, rule or clause available in relation to the recruitment exercise held by the Bihar Public Service Commission, the grievance of the petitioner that the learned single Judge should have given a direction of giving weightage to age rather than weightage to performance in the written examination is



an unfounded submission to make.

From perusal of the impugned order and the pleadings, it is evident that the Bihar Public Service Commission in case of tie has gone by the wisdom of the Hon’ble Apex Court in a similar kind of dispute which has arisen in the 30th batch examination.

Since the Bihar Public Service Commission has adopted the same parameters in case of a tie held by the Hon’ble Apex Court in the case of *Bihar Public Service Commission vs. Pandey Venktesh Prasad Sinha & Anr.*, the learned single Judge has committed no error by dismissing the writ application and refusing to pass any order upsetting the parameters of such selection.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	NAFR
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