

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7576 of 2017

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1. Naseem Ahmad S/o Sri Saghir Ahmad Resident of Village-Karmaini Bazar,
P.O.-Chandraota, P.S.- Patherwa, District-Kushinagar (U.P.)

.... Petitioner/s

Versus

1. The Bihar Public Service Commission through its Secretary, 15, Jawaharlal Nehru Marg, Baily Road Patna.
2. The Chairman, Bihar Public Service Commission, 15, Jawaharlal Nehru marg (Bailey Road), Patna.
3. The Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg, Baily Road, Patna. Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Adv.
For the BPSC : Mr. P.N. Shahi, Sr. Adv.
Mr. Sanjay Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 07-12-2017

The petitioner has appeared for preliminary test, Bihar Public Service Commission (B.P.S.C.) for recruitment to the post of Accounts Officers.

It is his grievance that three questions set of preliminary test were incorrect. The petitioner made clear to P.T. Examination only by two marks. It is, accordingly, the stand of the petitioner that three marks should be added to the marks allotted to him against three questions, which were incorrect according to him.

Learned counsel, appearing on behalf of the petitioner, admits that objections were invited by the B.P.S.C. after holding of



preliminary test against wrong framing of questions/model key answers. This is an admitted fact that the petitioner did not file any objection against any of the questions. Further, there is no pleading in the writ application as to what answers the petitioner had given to the so-called wrong questions framed by the B.P.S.C. and whether any marks was awarded to him for his answers on the basis of model answers prepared by B.P.S.C. for the said questions.

The petitioner has thus failed to make out a case whether any prejudice was caused to him by specific pleading in the writ application.

Mr. P. N. Shahi, learned Senior Counsel, appearing on behalf of the B.P.S.C, has rightly placed reliance on a Division Bench decision of this Court in case of ***Ravindra Kumar Singh vs. High Court of Judicature at Patna reported in 2016(1) PLJR 865*** that unless prejudice is shown as a consequence of wrong framing of questions or model answers, this Court need not interfere with the process of selection.

Mr. Shahi has, further, submitted that after objections having been invited by the B.P.S.C., certain candidates had filed their objections based on that.

Considering such objections, B.P.S.C. has decided to delete 43, 92, 116 and 140 of question booklets series 'A'. It is also



submitted that corresponding questions in rest of the series of questions papers have also been deleted from the purview of evaluation.

Since, in my view, Mr. Shahi, learned Senior Counsel, is correct in submission by placing reliance on Division Bench decision of this Court in case of Ravindra Kumar Singh (supra). Since the petitioner did not raise any objection with respect to questions which according to the petitioner were incorrect, he has stopped from taking such objection in the present scenario. I do not find any merit in this application. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.12.2017
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