

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14789 of 2017

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Krishna Kumar Manjhi, Son of Late Anup Manjhi, Resident of Village-Jagarnatha, P.S. Manjha Garh, District- Gopalganj, Presently Posted as Block Statical Supervisor (BSS), Block- Barhria, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of General Administration, Govt. of Bihar, Patna.
2. The Chairman Bihar Public Service Commission, Baily Road, Patna.
3. The Secretary, Bihar Public Service Commission, Baily Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the Respondent-State : Mr. Partha Sarthi, GA-4
For the Respondent-BPSC : Mr. Lalit Kishore, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 11-01-2018

Heard Mr. Sanjay Kumar, learned counsel appearing for the petitioner, learned counsel for the State and Mr. Lalit Kishore, learned senior counsel appearing for the Bihar Public Service Commission (hereinafter referred to as the 'Commission').

Though the petitioner claims age relaxation by virtue of his status as a Government employee but the default is of the petitioner himself and the reason for such denial is because he mentioned his status to such query in the negative. The relaxation thus available to Government servant was no more available to him and due to which he exceeds the prescribed age limit for participation even after being granted relaxation on caste status.

The argument made on behalf of the petitioner by Mr. Sanjay Kumar is that no sooner the error was detected that he approached the 'Commission' and in view of the discretionary power vested in the 'Commission' at paragraph 12 of the advertisement at Annexure 2 and since the error was bona-fide, it should have been condoned.

Mr. Lalit Kishore, learned senior counsel appearing for the



‘Commission’ opposing the plea has referred to paragraph 13(iii) of the advertisement to submit that the warning was clear and each candidate was required to fill up the form with due caution and open eyes because they were not to be permitted to correct any wrong entries made thereon. He submits that the case of the petitioner is not a case in isolation but there would be large number of cases and thus on principle, the ‘Commission’ has decided not to grant permission to any of the applicants making such incorrect statements.

The petitioner is not in a position to demonstrate whether any of the applicant(s) committing any such similar error in the application form, has been granted permission by the ‘Commission’ to rectify the mistake in the application form.

In the circumstances discussed and considering that the power vested in the ‘Commission’ to consider any such prayer, is discretionary, once a discretion has been exercised by the ‘Commission’ which does not suit the petitioner, no mandamus can be issued for reversal thereof until such time that the petitioner would be able to demonstrate that the decision was arbitrary and in the teeth of Article 14 of the Constitution of India which is not the case in hand.

The writ petition is disposed of.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
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