

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1759 of 2016

In
Civil Writ Jurisdiction Case No.2287 of 2016

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1. Ajeet Kumar Sharma Son of Sri Ram Nila Sharma, Resident of village Hajipur, P.O. & P.S.- Hajipur, District- Vaishali
 2. Ritesh Kumar Gupta, son of Sri B.C. Gupta, Resident of village & Post Musehari, Dist. Gopalganj
 3. Gaphoor Alam, son of Md. Yusuf, Resident of village + Post Enayatnagar, P.S. Goraul, Dist. Vaishali
 4. Shrikant Kumar, son of Sri Jagdish Choudhary, resident of Musallampur Hat, P.O. Mahendru, P.S. Pirbahore, District Patna
 5. Santosh Kumar, son of Sri Munshi Prasad, Resident of village + Post Lachhuar via Sikandra, Dist. Jamui
 6. Shakti Kumar Negi, son of Sri Yogendra Prasad, Resident of Mohalla Tejpratap Nagar, P.O. Anisabad, P.S. Beur, Dist. Patna, Bihar
 7. Ayaz Ahmad, son of Dr. Ghulam Mujtaba Ansari, Resident of New Azimabad Colony, Zandal Nagar, SCC-1, P.D. Mahendru, Patna
 8. Deepak Kumar Verma, son of Sri Rajnandan Prasad, Resident of village Asta Kharjama, P.S. Asta, Dist. Nalanda

... .. Appellant/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna
2. The Bihar State Food and Civil Supplies Corporation Limited through its Managing Director, Sone Bhawan, Government of Bihar, Patna
3. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna
4. The Nodal Officer, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Government of Bihar, Patna
5. Bihar Combined Competitive Examination Board, I.S. Bhawan, Near Patna Airport , Patna through its Secretary
6. The Secretary, Bihar Combined Competitive Examination Board, I.S. Bhawan, Near Patna Airport , Patna
7. Manish Kumar, son of Sri Arun Kumar through Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Government of Bihar, Patna
8. Pawan Shrivastava, son of Rajesh Babu Shrivastava, through Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Government of Bihar, Patna
9. Sneh Ashish, son of Sri Ajay Kumar Singh, through Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Government of Bihar, Patna
10. Ravi Ranjan, son of Sri Rajendra Prasad through Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Government of Bihar, Patna
11. Amresh Prakash, son of Ram Kripal Ram, through Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Government of Bihar, Patna
12. Shreekant Kumar, son of Sri Suresh Prasad Gupta, Resident of village Jafarpur, P.O. Fuladh, P.S. Paroo, Dist. Muzaffarpur



13. Vijay Bihari, son of Sri Rajendra Prasad, Resident of village, P.O., P.S. & District- Lakhisarai
14. Abhimanyu Kumar, son of Sri Bacha Ray, Resident of village, P.O. & P.S. Ekma, District- Chapra
15. Digvijay Kumar Mishra, son of Sri Sheo Dayal Mishra, Resident of village Noorpur, P.O. Patna City, P.S. Malsalami, Dist. Patna
16. Harinath Kumar Paswan, son of Sri Mahendra Paswan, Resident of village Bhathadasi, Post Rajapakar, Dist. Vaishali
17. Raghunath Paswan, son of Sri Mahendra Paswan, Resident of village Bhathadasi, Post Rajapakar, Dist. Vaishali
18. Rajkishor Das, son of Sri Mishri Lal Das, Resident of Village + Post Bitandipur, Via- Jandaha, Dist. Vaishali
19. Suresh Chandra Thakur, Son of Sri Bishwanath Thakur, Resident of village Chamarahra, P.O. Mahnar Road RS, P.S. Mahnar, Dist. Vaishali, Bihar
20. Diwakar Kumar, son of Sri Dineshwar Prasad Sah, Resident of Ward No. 7, Purani Chowk, Vill. + Post Kanti, Dist. Muzaffarpur, Bihar
21. Praveen Kumar, son of Sri Ramchandra Sinha, Resident of At Sundergarh Bhaisapur, P.O. & P.S. Biharsharif, Dist. Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar Singh, Adv. Mr. Chakrapani, Adv. Mr. Dipak Kumar, Adv. Mr. Madhuresh Singh, Adv.
For the Respondent/s	:	Mr. Nadeem Seraj, GP5 Mr. Shailesh Kumar, AC to GP 5
For the BSFC	:	Mr. Harish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 01-10-2018

Heard Mr. Chakrapani, learned counsel appearing for the appellants, Mr. Harish Kumar, learned counsel appearing for the Corporation and Mr. Shailesh Kumar, learned AC to GP5 for the State.

This Intra Court appeal arises from a judgment and order passed by the learned Single Judge in C.W.J.C. No. 2287 of 2016



which was heard analogous with C.W.J.C. No. 11354 of 2016 and dismissed. We would not be required to give any exhaustive discussion on the outcome of the present appeal because our attention has been drawn by Mr. Harish Kumar, learned counsel appearing for the Corporation to an order passed in L.P.A.No.1733 of 2016 for submitting that the appeal arising from the writ petition bearing C.W.J.C.No.11254 of 2016 which was heard analogous with the writ petition of the present appellants was considered by a bench presided by Hon'ble the Chief Justice bearing L.P.A. No. 1733 of 2016 and vide a judgment and order passed on 11.12.2017, the Letters Patent Appeal has been dismissed as the issue raised by the appellants, has failed to persuade the Division Bench for indulgence.

Though attempt has been made by Mr. Chakrapani learned counsel for the appellants to distinguish the present appeal from the one which has been dismissed but we do take note of the relief prayed by these appellants in the writ petition and which entirely revolves around the evaluation of the answer sheet qua the objection raised as to the correctness of the model answer sheet. The Division Bench while dismissing L.P.A. No.1733 of 2016 has taken note of the exhaustive discussion made by the learned Single Judge to reject the issues advanced and we certainly are not



persuaded by the arguments advanced by Mr. Charapani to differ from the opinion so expressed as we are satisfied that each of the issues so raised by the appellant on the issue of evaluation as well as the correctness of the model answers has been given due thought by the learned Single Judge for its rejection in the backdrop of the legal position settled by the Courts in a catena of judgments.

Having noted the opinion expressed by the Division Bench in dismissing the appeal in L.P.A. No. 1733 of 2016 arising from the same judgment as put to challenge herein, we find no reasons to interfere with the opinion expressed by the learned Single Judge to dismiss the writ petition of the present appellants.

The Letters Patent Appeal is accordingly dismissed with no order as to costs.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Bibhash/Ranveer

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.10.2018
Transmission Date	NA

