

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9382 of 2015

=====

Abhishek Kumar, Son of Krishnandan Lal, C/o K.N. Lal, Resident of Village-
Churaman Bigha, P.O.- Bhagan Bigha, P.S.- Vena, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Chief Secretary, Government of Bihar Old Secretariat, Bihar, Patna.
2. The Chairman Bihar Public Service Commission 15, Jawahar Lal Nehru Marg, Bailey Road, Patna.
3. The Examination Controller, Bihar Public Service Commission 15, Jawahar Lal Nehru Marg, Bailey Road, Patna.
4. The Secretary Bihar Public Service Commission 15, Jawahar Lal Nehru Marg, Bailey Road, Patna.
5. The Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra, Advocate
For the State : Mr. Jitendra Kumar, AC to AAG 14
For the BPSC : Mr Sanjay Pandey, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 09-05-2018

Learned counsel for the petitioner has prayed that this Court may issue direction upon the respondents to declare the petitioner selected in the selection process for the post of Assistant which was conducted by the respondent Bihar Public Service Commission under Advertisement No. 3 of 2013.

2. He submits that on the basis of OMR sheet of the petitioner supplied under the RTI along with final master answer key which also has been provided by the respondent Commission, the petitioner would be entitled for higher marks than the marks awarded



to him. He submits that on tallying the answer marked in the OMR sheet by the petitioner with the final master answer key, he would be entitled to 132 marks whereas the last candidate obtained 130 marks.

3. It is submitted by the learned counsel for the Commission that the OMR sheet on which reliance is placed by the petitioner shows that in the instructions for making answer on the third page of the question answer paper it has clearly been mentioned that “any eraser or change is not allowed”. He also submits that perusal of the OMR sheet shows that in question numbers 3, 21, 79 and 88, the petitioner has used eraser and thereafter marked the correct answer. The same is quite visible from the OMR sheet which is being claimed by the petitioner to claim her mark.

4. In view of such *prima facie* violation of the instruction provided in the question answer sheet, this Court finds no reason to interfere with the decision of the respondent Commission.

5. The writ petition is devoid of merits and is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

