

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16241 of 2017

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1. Amit Kumar S/o Ram Ashish Prasad (Roll No. 183185), At- Pratappur, P.O.- Muktapur, P.S. Kalyanpur, Distt. Samastipur.
 2. Amit Kumar S/o Nagendra Kumar Singh Roll No. 147755, At- Dhenukee, P.O. Dhenukee, P.S. Panapur, Distt.- Saran.
 3. Mukesh Kumar S/o Dashrath Prasad Roll No. 155120, At Chparghat, P.O. Latra, P.S. Gopalpur, District Bhagalpur(Bihar).,
 4. Ashutosh Kumar S/o Chulhai Prasad Roll No. 313657, At Chakmahila, P.O. Chakmahila, P.S. Sitamarhi Sadar, Distt. Sitamarhi (Bihar).,
 5. Amit Kumar S/o Ram Narayan Singh Roll No. 175392, At +P.O.- Raipur Chore, P.S. Shivsagar, Distt. Rohtas (Bihar).
 6. Rajesh Chandra S/o Ramesh Chandra Roll No. 215748, At 302, Amba Residency, East Boring Canal Road, P.S. Buddha Colony, Patna-800001(Bihar).
 7. Arun Kumar S/o Ganeshi Prasad Roll No. 218685, At Makunahiya, P.S. Sursand , Distt. Sitamarhi.
 8. Sushil Kumar S/o Nirmal Kumar Verma Roll No. 142148, At Bilat, P.O. Kunjwan, P.S. Bihta , Distt. Patna.
 9. Ajay Kashal S/o Barjendra Kumar Roll No. 117238, At +P.O Ketki, P.S. Deo, Distt. Aurangabad.
 10. Saima Khushboo D/o Md. Zafar Alam Roll No. 163972, At Azad Nagar, Araria, Ward No. 19, P.O.+P.S. +Distt. Araria.
 11. Priya Kumar D/o Ramakant Singh Roll No. 169082, At Katehar, P.O. +P.S. Suraj Garha, Distt. Lakhisarai.
 12. Ranjan Kumar S/o Naresh Paswan At East Ram Krishna Nagar, P.O. Dhelwa P.S. Ram Krishna Nagar, Distt. Patna-27
 13. Ashutosh Dutta S/o Kamalkar Trivedi Roll No. 111995 , At +P.O> +P.S. Koran Sarai, Distt. Buxar.
 14. Chandra Shekhar Prasad S/o Ramayan Prasad Roll no. 146388, At Chilwaniya, Chandmari Motihari, P.S. Banjariya, Ditt. East Champaran.
 15. Amit Kumar S/o Kedar Prasad Gupta Roll NO. 157917, At Bakerganj Bajaja, P.O. Bakipur, P.S. Pirbahore, Distt. Patna.
 16. Raghuvansh Kumar S/o Dinesh Kumar Singh Roll No. 203234, At Chaturpatti, P.O. Mohzamma, P.S. Paroo, Distt. Muzaffarpur.
 17. Ravi Kumar S/o Kumar Sampurnanand Roll No. 255250, At Vill+P.O. Paharpur, P.S. Akbarpur, Distt. Nawada.
 18. Pankaj Kumar S/o Amod Sharma Roll No. 154169, At Vill +P.O. Lari, P.S. Arwal, Distt. Arwal, Bihar.
 19. Sandhya Kumari D/o Vijay Prakash Singh Roll No. 172522, At Flat no. 8 New CRD Colony North Shastri Nagar, Patna, 23, P.S. Shastri Nagar, Distt Patna (Bihar).
 20. Santosh Kumar S/o Jagdish Singh Roll No. 335970, At Vivek Bihar Rd. No. 4, Hanuman Nagar, P.S. Patrakar Nagar, Patna, Distt. Patna , Bihar.
 21. prashant Kumar Jha S/o Om Prakash Jha Roll No. 248176, At Nebi Sahu Building Patel Chow, P.S. Nagar Thana, Distt. Begusarai (Bihar).
 22. Ram Kumar Sahni S/o Basu Deo Sahni Roll No. 218343, At Vill +P.O. Hasanpur Bazar, P.S. Nao Kothi, Distt. Begusarai, Bihar.
 23. Pawan Kumar S/o Ramkant Das (134071), At +P.O. - Kako, P.S. Vairbstan, Distt. Madhubani.
 24. Md. Imran Khan S/o Nushrat Hussain Khan Roll No. 153545, At Vill Near Dr.



- Tanveer Clinic P.P. Road , P.S. Nagar, Thana Distt. Buxar Bihar.
25. Rajesh Kumar S/o Vidya Sagar Prasad Roll No. 128551, At Faridpur , P.O. Pirbadhauna, P.S. Daniyawan, Near Dr. Distt. Patna Bihar.
 26. Ranjeet Kumar Singh S/o Sinhasan Singh Roll No. 103205, At Siswar, P.O. Turki, P.S. Kudra, Distt. Kaimur , Bihar.
 27. Santosh Kumar S/o Late Amar Singh Roll No. 180442, At Village +P.O.- Marar, P.S. Morkahi, Distt Khagaria, Bihar.
 28. Uday Shankar Vidyarthi S/o Satya Narayan Singh Roll No. 158674, At Barhara, P.O. karharia, P.S.Bath, Distt. Bhagalpur, Bihar.
 29. Vishal S/o Dr. P. Karak Roll No. 165612, At Mahanthi Lal Chowk, P.S. Madhubani, Bihar, Pin 8477211
 30. Aditya Kumar S/o Ramchhtri Singh Roll No. 109731, At Mangalpur Kala, P.O. Mangalpur Judaria, P.S. Nautan, Distt. West Champaran (Bihar)
 31. Gajendra Kumar S/o Subash Prasad Roll No. 131723, At -S, P.O-T, P.S. Hussainganj, Distt. Siwan, Bihar.
 32. Sujit Kumar Nirala S/o Vijay Sinha Roll No. 212149, At Palhanwan, P.O. Lohar, P.S. Harnout, Distt. Nalanda, Bihar.
 33. Shashi Kumar S/o Shambhu Sharan Bharti Roll No. 318343, At Dinapatti (Parariya), P.O. Godhaila, P.O. +P.S. +Distt, Madhepura.
 34. Ruby Kumar D/o Gyan Yadav Roll No. 152220, At +P.O. Kachra, P.S. Sour Bazar, Distt. Saharsa, Bihar.
 35. Manoj Kumar S/o Baleshwar Paswan Roll No. 187543, At +P.O.- Kallunjar, P.S. Chakmehsi, Distt. Samastipur, Bihar.
 36. Vineet Ranjan S/o late Madhuranjan Prasad Sinha Roll No. 204106, East of Over Bridge, Ballmbody Lane, Maripur, P.S. Kazi Muhammadpur, Distt. Muzaffarpur - 842001, Bihar.
 37. Rubina Tarannum D/o late S.M. Shahabuddin Roll No. 182687, Road No. 3, Gosha-L-Noor, New Karimganj, P.S. Civil Line Dist. Gaya, Bihar.
 38. Markandey Paswan S/o Mangru Paswan, Roll no. 171967, At +P.O. +P.s. Kudra, Distt. Kaimur(Bihar).
 39. Suresh Kumar S/o Amresh Kumar Kamal Roll no. 107218, At +P.O. - Sorsi, P.S. Paliganj, District - Patna(Bihar).
 40. Om Prakash Prasad S/o Jagnath Prasad Roll No. 123374, At Vill +P.O. - Koran Sarai, P.S. Barhara Kothi, Distt. Buxar(Bihar).
 41. Raj Mihir Gupta S/o Sudama Prasad Gupta Roll No. 120155, At - Kachouri Gali, Kuhmar Toli, P.O. +P.S. - Dehri -On-Sone, Distt. Rohtas.
 42. Bivek Kumar S/o Narendra Lal Roll No. 128106 , At +Vill- Nsibchka, P.O+P.S.- Barbigha, Distt. Sheikhpura.
 43. Bipin Kumar S/o Ravindra Prasad Ray Roll No. 186805, At- Alarua, P.O.- Lakhanpur, P.S. Bhagwanpur, Distt. Begusarai(Bihar).
 44. Shiwani Sangam D/o Blaram Prasad Roll No. 133864, At- Dr. P.Gupta Campus Kazipur, Nayatola, P.S. Kadamkuan, Distt. Patna (Bihar).
 45. Dharmvir Kumar S/o Ramsundar Sah Roll No. 141579, At- Terasia,P.O. Ratnakar, P.S. Hajipur, Distt. Vaishali (Bihar).
 46. Prabhash Kumar S/o Janeswar Prasad Yadav Roll No. 151822,At - Budhi, P.O. Murho, P.S. Mudhma, Distt. Madhepura(Bihar).
 47. Ranjeet Kumar S/o Sri Manoranjan Prasad Roll No. 152183, At +P.O.- Machhaldiha, P.S. Nalanda, Distt. Nalanda(Bihar).
 48. Keshri Nandan Kumar S/o Manoranjan Prasad Roll No. 128238, At +P.O. Machhaldiha, P.S. Nalanda, Distt. Nalanda (Bihar).
 49. Jitendra Kumar Prasad S/o Ramnath Prasad Roll No. 205438, At Madhopur, P.O.- Jhanjhawa Bazar, P.S. Mahammadpur, Distt. Gopalganj (Bihar).



50. Rajan Kumar Sharma S/o - Shatrughan Sharma Roll No. 165805, At - Dandasapur, P.O. Panditpur, P.S. Janta Bazar, Distt. Saran (Bihar).
51. Matri Prasad S/o-Chndra Bhushan Roll No. 139324, At +P.O.- Chilla Gauhani, P.s. Lalapur, Distt. Allahabad (U.P).
52. Suresh Kumar S/o Ramratan Yadav Roll No. 188142, AT Bishanpur, P.O. Kauadih, P.S. Ladania, Distt. Madhubani (Bihar).
53. Aakash Raj S/o Sanjay Kumar Roll No. 187099, At - Gola Road, Baily Road Shivaaji Path, Danapur Cantt, P.S. Rupaspur, Distt. Patna(Bihar).
54. Amit Kumar S/o Surendra Paswan Roll No. 258564, At +P.O. +P.S.- Saraiya, Distt Muzaffarpur(Bihar).
55. Sudhir Kumar S/o- Shri Ram Das Roll No. 192760, At- Chaughara Noon Ka Chauraha, P.O. Patna City, P.S. Khajekalan, Distt. Patna(Bihar).
56. Ranjan Paswan S/o Lakshmi Ram Roll No. 213867 At+Villa- Samahuta, P.O. Pipra, P.S. +Distt.- Rohtas(Bihar).
57. Santosh Kumar Das S/o Mangal Das Roll No. 188164, At +PO. +P.S.- Sono, Distt. Jamui (Bihar).
58. Rahul Kumar S/o- Ajit Kumar Roll No. 186001, At- Bari Yusufpur, P.O.- Hajipur, P.S. Industiaz Arfa, Distt.- Vaishali (Bihar).
59. Abhishek Anand S/o Baidyanath Prasad Roll No. 125078, At- Badi Yusufpur P.O. Hajipur, P.S. Industrial Area, Distt. Vaishali (Bihar).
60. Sanjay Kumar S/o- Doman Paswan Roll No. 115105, At Brahampur, P.O. New Jaganpura, P.S. Ramkrishna Nagar, New Bypass Road South Patna Central School, Distt- Patna(Bihar).
61. Jagdanand S/o Kapil Deo Mahto Roll No. 218164, At- Mustafapur, P.o. Md . Pursakra, P.S. Bibhutipur, Distt.Samastipur(Bihar).
62. Sarita Kumari Paswan D/o Suresh Kumar Paswan, Roll No. 181992, At East Ramkrishna Nagar, Near Indian Public Shool, P.O. Dhelwa, P.S. Ramkrishna nagar, Distt. Patna(Bihar).
63. Sunil Kumar S/o Sitaram Paswan Roll No. 165805, At- Dandasapur, P.O. Panditpur, P.S. Janta Bazar, Distt. Saran.
64. Shivesh Kumar Mishra S/o Baidyanath Mishra Roll No. 104583, At +P.O.- Basbitta, P.S. Dhang Barharwa, Distt. Sitamarhi, Bihar.
65. Somya Swaroop D/o Nawal Paswan Roll No. 182012, At- East Ram Krishna Nagar, Near Indian Public School, P.O. Dhelwa, P.S. Ram Krishna Nagar, Distt. Patna(Bihar)>
66. Sachin Kumar Sharma S/o Bindeshwari Prasad Sharma Roll No. 102083, At Jamalpur, D.D.T. Road Behind Union Churh Naya Ganw, P.S. East Colony Jamalpur, Distt. Munger(Bihar).
67. Sudesh Kumar Sharma S/o Bindeswari Prasad Sharma Roll No. 102086, At Jamalpur, D.D.T. Road Behind Union Churh Naya Ganw, P.S. East Colony Jamalpur, Distt. Munger(Bihar).
68. Amit Bhaskar S/o Nand Kishore Sharma Roll No. 105031, At- Baghatilaha P.O. Jodhan, Bigha, P.S. Harnout, Distt. Nalanda (Bihar).
69. Rahul Kumar S/o Satish Kumar Roll No. 142905, At- Devariya Bihind of New D.M. Office Jehanabad Court, Distt. - Jehanabad, Bihar.
70. Ranjeet Murmu S/o Damodar Murmu Roll No. 130678, At Babumahal , P.O. Bhairoganj, P.S. Chandan, Distt. Banka, Bihar.
71. Sanjay Kumar S/o Ram Pyare Rai Roll No. 204331, At Chakjainav, P.O. Chaksikandar, P.S. Bidupur, Distt Vaishali , Bihar.
72. Parmatma Kumar S/o Amit Singh Roll NO 117260, At - Dihra, P.O. Jagapur, P.S. Chandi, Distt. Nalanda, Bihar
73. Yashwant Kumar Lal Das S/o Munni Lal Roll No. 209288, At- Arwal Sipah,



- P.O +P.S.+Distt. Arwal, Bihar.
74. Seema Kumari D/o Kailash Prasad Roll No. 240282, At +P.O.- Bhagwanpur, Desua, P.S. Ujiarpur, Distt. Samastipur, Bihar.
75. Atishya Anand S/o Shailendra Kumar Singh Roll No. 134114, At +P.O. Aami, Chauhani Patty, P.S. Dighwara, Distt. Saran, Bihar.
76. Sunil Paswan S/o Ganpati Paswan Roll No. 155450, At +P.O. Shabhaur, P.S. Pandaul, Distt. Madhubani (Bihar).
77. Manish Kumar S/o Rajvanshi Prasad Roll No. 104129, P. Gupta Campus, P.S. Kadamkuan, Naya Tola, Patna- 4, Bihar
78. Kumar Sagar S/o late Surendra Mohan Thakur Roll No. 105382, At Zila School Road, P.S. +Distt, Purnia Bihar.
79. Prakash Kumar Singh S/o Parmod Kumar Singh Roll No. 121956, At -A-601, MTNL Staff Quartar , Sector- 3, P.S. Rohini Delhi.
80. Rajiv Ranjan Kumar S/o Ram Lakhan Prasad Roll No. 168940, At- P.O. Baijda, P.S. Tarwan, Distt. Gaya , Bihar.
81. Rajeev Ranjan S/o Awadh Kishor Singh Roll No. 107962, At- Machati, P.O.- Sagar Sultanpur, Dist. Siwan, (Bihar).
82. Mithun Kumar Choudhary S/o Jagdish Choudhary Roll No. 204719, At- Radha Nagar, P.O. Kishanpur Amkhoriya, P.S. Sajour, Distt. Bhagalpur, Bihar.
83. Abhay Kumar Singh S/o Tej Narayan Singh Roll No. 17327, At- Lahana, P.S. Simari, P.O. Chakki, District Buxar, Bihar.
84. Ohm Prakash Singh S/o Kedar Nath Singh Roll No. -125157, AT-H.No. 352, Arya Sama Path, P.O. Sahiebganj Chapra, P.S. Chapra town, Distt, Saran, Bihar.
85. Yogendra Kumar Pandey S/o Vijaymal Yadav Roll No. - 175182, At- Parsathua, P.O.- Dangari, Distt. Rohtas, Bihar.
86. Ashutosh Kumar Kushwaha S/o Ram Yash Kushwaha Roll No. 204236, At- Bangra ,P.O.- Titra, Bigha, P.S. Mairwa, Distt. Siwan(Bihar).
87. Sumit Kumar S/o Arvind Nath Sharan Roll No. 172051, At- Ward No. 46, Ram Bagh Chauri, P.O. Ramna, P.S. Mithanpura, Distt. Muzaffarpur, Bihar.
88. Nirmal Kumar Paswan S/o Bindeshwari Paswan Roll No. 124326, At+P.O.- Mathurapur, P.S.+Distt.- Khagaria, (Bihar).
89. Saurav Kumar S/o Jai Prakash Das Roll No. 121780, At (035) Rajkiyakrit Marwari Uchcha Madhyamik Vidalya, Distt, Patna, Bihar.
90. Birjesh Kumar Maurya S/o Birendra Maurya Roll No. 172293, At Mahuawa, P.O. Vrindavan Asharam, P.S. Chanpatia, Distt. West Champaran, Bihar.
91. Robin Kumar S/o Rambilash Shah Roll No. 168103, At+P.O.+P.S. -Malaypur, Distt. Jamui, Bihar.
92. Amit Kumar Jha S/o Manikant Jha Roll No. 154376, At +P.O. +P.S.-Bodh Gaya, Distt. Gaya, Bihar.
93. Abhishek Kumar S/o Santosh Kumar Roll No. 118140, At +P.O.- Gonkura, P.S. chandi, Distt, Nalanda, Bihar.
94. Om Prakash S/o Krishna Chandra Jha Roll NO 125831, At- Sukhsena, P.O.- Bhatotar Chakla, P.S. Barhara Kothi, Distt Purnia Bihar.
95. Vivek Kumar Pandey S/o Baleshwar Nath Pandey Roll No. 189089, At -3MF 2/19 Bahadaurpur Housing Colony Bloodbath Road, P.S. Agamkuan, Distt. Patna, Bihar.
96. Kumar Ravi S/o late Devendra Prasad Roll No. 101206, At- Dekuli Ghat, P.O. Bichali Khandak, Bihar Sharif, P.S. Bihar Sharif, Distt. Nalanda, Bihar.
97. Avinash Kumar Pandey S/o Shesh Nath Pandey Roll No. 120930, At- Thorsan, P.O. Pipra Bigha, P.S. Kargahar, District. Rohtas, Bihar
98. Dileep Kumar S/o Ramprahav Sharma Roll No. 243217, At +P.O.- Charh,



- Bigha, P.S. Kochas, Distt. Jehanabad, Bihar.
99. Chandramani Kumar S/o Ramprit Ram Roll No. 196105, At- Jageyan, P.O.- Kajhal, P.S. Bikramganj, Distt. Rohtas, Bihar.
100. Sumeet Verma S/o Nitya NR. Verma Roll No. 208765, At -Mihir Gulabi Bagh, P.O. +P.S. Khajekalan, Distt. Patna, Bihar.
101. Rajesh Kumar Pathak S/o Laxman Pahtak Roll No. 115228, At- Barwan P.O.- Asoan, Bigha, P.S. Andar, Distt. Siwan, Bihar.
102. Kundan Kumar Sinha S/o Prem Nandan Prasad Ambast Roll No. 172058, At+P.O.- Gidhaur, P.S. Gidhaur, Distt. Jamui, Bihar.
103. Pankaj Kumar S/o Upendra Singh Roll No. 108497, At +P.O.- Jodhan, Sithoura, P.S.- Rajgir, Distt. Nalanda, Bihar.
104. Aditya Kumar S/o Chhtri Singh Roll No. 109731, At Mangalpur Gudriya, , P.S. Nautan, Distt. West Champaran (Bihar)
105. Amit Kumar Gupta S/o Kiran Kumar Gupta Roll No. 142543, At- Kali Bagh, P.O. Jorainar, Bettiah, P.S. Nagar Thana, Distt. West Champaran, Bihar.
106. Md. Usman Ghani S/o Md. Naushad Alam Roll No. 219393, At- Sffat Mansion, New Azimabad Colony, Sector A, P.O. Mahendru, P.S. Sultanganj, Distt. Patna(Bihar).
107. Suresh Chandra Thakur S/o Bishwnath Thakur Roll No. 132685 At +P.O. Chamraharu, Dist. Vaishali, Bihar.
108. Vijay Kumar Prabhakar S/o Jitan Paswan Roll No. 108490, At Kanakpur, P.S. Narpatinagar, P.S. Sakri, Distt. Madhubani, Bihar.
109. Shakti Kumar Negi S/o Yogendra Prasad Roll No. 144479, At- Tej Pratap Nagar, P.O. Anishabad, P.S. Beur, Dist. Patna, Bihar
110. Amit Kumar S/o Ranjeet Kumar Roll No. 126793, AT- Veer Kunwr Singh Colony Ramjeevan Chowk, P.S. Hajipur, Distt. Vaishali Bihar.
111. Kajal S/o Ranjeet Kumar Singh Roll No. 126794, At- Veer Kunwar Singh Colony, Ramjeevan Chowk, P.S. Hajipur, Distt. Vaishali, Bihar.
112. Kunal Kumar Kannujia S/o Ishwarchandra Roll No. 106309, AT- Hasanpur Patori, PO. Patory, P.S Patory, Distt. Samastipur, Bihar.
113. Niranjana Kumar S/o Ramanand Yadav Roll No. 171809, At Sandalpur, P.O +P.S. +Distt. Munger, Bihar.
114. Deepak Kumar S/o Mithlesh Kumar Singh Roll No. 157422, At+P.O. Udant Ray Ke Bangra, P.S. TAve, Distt. Gopalganj, Bihar.
115. Anand Shankar Tiwari S/oShambhu Shadan Tiwari Roll No. 190598, At Sonvarsha, P.O. Rampur, P.S. Darauli, Distt. Siwan, Bihar.
116. Rakesh Kumar Nirala S/o Baban Singh Roll NO. 160500, At- Kyoto Prakash Crouch, Koirpurwa Ward No. 32, P.O. +P.S. +Distt.- Buxar, Bihar.
117. Deep Narayan Mahto S/o Jagdish Mahto Roll No. 124319, At +P.O. Mahamada, P.S. - Pusa Distt Samastipur, Bihar.
118. Praveen Kumar S/o Ramchandra Sinha Roll No. 215592, At- Kilapar, Sundergarh, Bhaisasur, Bihar Sharif, P.S. Bihar Sharif, Distt. Nalanda, Bihar.
119. Raj Narayan Singh S/o Chandra Shekhar Singh Roll No. 206414, At Rampur Alauli, P.O. +P.s. Alauli, Distt. Khagaria, Bihar.
120. Kumari Nabita W/o Brindra Kumar Singh Roll No. 241206, At Hardia, P.O. Balaha Bazar, P.S. Mansi, Dist. Khagaria, Bihar.
121. Sushant Kumar Suman S/o Krit Narayan Yadav Roll No. 149329, At - Anandpur Prastola, P.O. Rampur Alauli, P.S. Alauli, Distt. Khagaria, Bihar.
122. Ranjeet Singh S/o Ashok Kumar Roll No. 321275, At Electricity Colony Karma Road Aurangabad P.S. Drihat, Distt. Aurangabad, Bihar.
123. Ramdhin Paswan S/o Ram Charitra Paswan Roll No. 15938, At - Muroh, P.O. Vihurj, P.S. Atri, Distt. Gaya, Bihar.



124. Md. Rizwan Quammar S/o Hasiaur Rahman Roll No. 268564 AT +P.O. Haspura, P.S. Aurangabad, Distt Aurangabad, Bihar.
125. Vandana Ojha D/o K.K Ojha Roll No. 188304, At- Shashi Niwas, Station Road, P.S. Navada, Distt. Ara, Bihar.
126. Balram Sahni S/o Ram Pratap Sahani Roll No. 224375, At+P.O.- Hasanpur, Bazar, P.S.Naokothi, Distt. Begusarai, Bihar.
127. Mritunjay Kumar Mishra S/o Shive Prasad Mishra Roll No. 156872, At Basaha, P.O. Ashapar, Distt. Ambedkar Nagar, U.P.
128. Manoj Kumar S/o Sarwarn Kumar Roll NO. 239206, At- Meura Darwan, P.S. Kudra, Distt Kaimur , Bihar.
129. Dilip Kumar S/o Mohan Prasad Roll No. 221348, Moh- Bhartiganj, P.O. Sasaram, Dist. Rohtas.
130. Avinash Kumar S/o Amarnath Prasad Roll No. 116646, At- Chakandra, P.O. +P.S. -Chewara, Distt. Sheikhpura, Bihar.
131. Alok Kumar Singh S/o Nageshwar Prasad Singh Roll No. 156521, At- Mahthi, P.O.- Pachpaika, P.S. Ujarpur, Distt. Samastipur, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary Department of General Administration, Govt. of Bihar, Patna.
3. The Additional Secretary to the Government, Department of General Administration, Govt. of Bihar, Patna.
4. The Chairman Bihar Public Service Commission 15 Jawahar Lal Nehru Marg Patna.
5. Bihar Public Service Commissioner through its Additional Secretary-cum Controller of Examination, 15, Jawahar Lal Nehru Marg, Patna.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 3412 of 2017

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1. Kunal S/o Late Harihar Prasad Jha Permanent resident of Mohalla - Mundichak, P.S. Tilkamanjhi, P.O. - G.P.O., Bhagalpur, District - Bhagalpur, at present residing at House No. 47, Savita Sada, Road No. 15, East Indrapuri, P.S. Patliputra P.O. Keshri Nagar, Patna - 800024.
2. Prakash Chandra S/o Late Upendra Prasad Singh Resident of Balwaganj, P.S. - Laheriasarai, District - Darbhanga - 846001.
3. Rakesh Kumar Mishra S/o Late Binoy Kumar Mishra Resident of Flat No. 304, Maurya Vihar Apartment, Maurya Path, Khajpura, P.O. - Bihar Veterinary College, P.S. - Shastri Nagar, District - Patna - 800014.
4. Shaikh Arshad Imam S/o Sri Hassan Imam Resident of Qr. No. 424/800, Lal Bahadur Shastri Nagar, Patna - 800023.
5. Md. Farrukh Rahman S/o Md. Aatur Rahman resident of village - Habibpur, Block - Jagdishpur, P.S. - Habibpur, District - Bhagalpur - 812002.
6. Deepak Kumar Vidyarthi S/o Sri Yugal Ram Resident of Mirzapur, P.O. - Srisia, Via - Kalwari, P.S.- Kanti, District - Muzaffarpur - 843108.



7. Manindra Kumar S/o Kramvir Prasad resident of Village + P.O. - Mai, Block + P.S. - Hilsa, District - Nalanda - 801308.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar, Main Secretariat, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Main Secretariat, Patna.
3. Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Patna through its Chairman.
4. The Chairman, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Patna.
5. The Secretary, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Patna .
6. The Additional Secretary-cum-Examination Controller, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Patna.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 17186 of 2017

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1. Samir Samant, son of Ram Ratan Ram, resident of village- Jay Nagar Lal Pahari, ward No. 33, P.O. + P.S., Lakhisarai District-Lakhisarai, State-Bihar, PIN No.-811 311 [Roll No. 213535, Category:PWD (SC)]
2. Kumar Jay, son of Rameshwar Mahto, Resident of village-Bardih, P.O. + P.S. Sikandra, District-Jamui, State-Bihar, Pin No. 811 315 [Roll No. 285738]
3. Manish Kumar Jha, son of Janardan Jha, Resident of village-Patarih, P.O.-Bironl, District-Darbhanga, Pin No. 847203 [Roll No. 105362]
4. Saket Samant, son of Ram Ratan Ram, Resident of Jay Nagar Lal Pahari, Ward No. 33, P.O. + P.S. Lakhisarai, District-Lakhisarai, State-Bihar, Pin No. 811 311
5. Amit Kumar, son of Pawan Kumar Yadav, resident of village-Shasan vis HS Mills, District-Samastipur, Bihar, Pin-848205
6. Deepak Kumar, son of Sri Shrawan Manjhi, Resident of Paikonli Bado, P.S. Phulwariya, District-Gopalganj
7. Jitendra Kumar Jha, Son of Bishwanath Jha, Resident of village-Mahinam, P.S. Bahera, District-Darbhanga, Pin No. 847103
8. Chandra Bhanu Kumar, Son of Akhilesh Kumar Pandit, Resident of village-Harda Bazar, P.S. Purnia, District-Purnia, Pin No. 854301
9. Brij Kishore Pandit, Son of Dasai Pandit, Resident of village-Narapalia, P.S. Manjhi, District-Chapra (Saran) Pin- 841313
10. Nilamber Prasad Niloo, Son of Surendra Prasad, Resident of village-Gangapur, P.O. Waini, District-Samastipur, Pin No. 848131
11. Vikash Kumar Rai, son of Vishwanath Prasad, Resident of village-Thali Bazar, P.O. Sughari, P.S. Rajhat, District-Nawada, Pin No. 805126
12. Bhooshan Kumar Sinha, Son of Jagdeo Prasad Sinha, Resident of village+P.O. Mahopur Sabhadua, P.S. Harnaut, District-Nalanda, Pin No. 803110
13. Anant Kumar Sinha, Son of Singheshwar Prasad Das, Resident of Kumhra, P.O.



Mirzapur, P.S. Bounsi Baseti, District-Araria

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, General Administration Department, Govt. of Bihar, Main Secretariat, Patna
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Main Secretariat, Patna
3. The Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Patna, through its Chairman
4. The Chairman, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Patna
5. The Secretary, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Patna
6. The Additional Secretary-cum-Examination Controller, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Patna

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 14867 of 2017

Rashmeet Singh, Son of S. Rajendra Singh, resident of M/s Bhargo Saw Mill, Khagaul Road, Mithapur, P.S. Jakkanpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Deptt. Government of Bihar, Patna.
2. The Chairman, Bihar Public Service Commission, Patna.
3. The Secretary, Bihar Public Service Commission, Patna.
4. The Examination Controller, Bihar Public Service Commission, Patna.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 15336 of 2017

Kumari Sandhya, Daughter of Sitaram Prasad, Resident of Lala Tola, Saraiya, Police Station- Barwat, District- West Champaran.

.... Petitioner/s

Versus

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



4. The Special Secretary-cum- Controller of Examination, Bihar Public Service Commission, Patna.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 770 of 2018

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Ashutosh Kumar Singh, Son of Saroj Kumar Singh, Resident of Village- Karan Chhapra Ballia, P.S.- Dokti, District- Ballia, Uttar Pradesh.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, General Administration Department, Govt. of Bihar, Main Secretariat, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Main Secretariat, Patna.
3. The Bihar Public Service Commission 15 Jawaharlal Nehru Marg, Patna, through its Chairman.
4. The Chairman, Bihar Public Service Commission 15 Jawaharlal Nehru Marg, Patna.
5. The Secretary, Bihar Public Service Commission 15 Jawaharlal Nehru Marg, Patna.
6. The Additional Secretary-cum-Examination Controller, Bihar Public Service Commission 15 Jawaharlal Nehru Marg, Patna.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1135 of 2018

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1. Amit Kumar Gupta, S/o- Munna Prasad Gupta, (Roll No- 190185), At- Jagdamba Machinery Store Main Road Mirganj, PO + PS- Mirganj, District- Gopalganj (Bihar).
2. Rahul Kumar, S/o- Surendra Prasad Sah, (Roll No- 134778), At- Sadar Bazar, PO + PS- Jamalpur, District- Munger (Bihar)
3. Shobha Kant, S/o- Chandeshwar Roy, (Roll No.- 192926), At+ PO- Ahmadpur, P.S.- Sarairanjan, District- Samastipur (Bihar).
4. Sanjay Kumar Paswan, S/o- Hareram Paswan, (Roll No- 193058) At+ PO- Sahuri, PS- Birpur, District- Begusarai, (Bihar).
5. Sanjay Kumar, S/o- Prasadi Sah, (Roll No- 217097), At+ P.O.- Vijaynagar, PS- Banka, District- Banka (Bihar).
6. Mantu Kumar, S/o- Sudhir Kumar Choudhary, (Roll No- 140987), At- Rahmat Nagar New DAV School, PO- Purnia, PS- K.Haat, District- Purnia (Bihar).
7. Ritesh Kumar, S/o- Ramendra Narayan Yadav, (Roll No- 106993), At- Near Baidnath Hall, Belan Bazar, PO+ PS- Munger, District- Munger (Bihar).
8. Manorama Roy, W/o- Shobha Kant, Roll No.- 211691), At+ PO- Ahmadpur, P.S.- Sarairanjan, District- Samastipur (Bihar).
9. Kanhaiya Jee Pathak, S/o- Rameshwar Pathak, Roll No- 128730), At- Barwan,



- PO- Asaon, PS- Andar, District- Siwan (Bihar).
10. Rajesh Kumar, S/o- Surendra Kumar, (Roll No- 125885), At- Lakshan Bigha, PO- Saristabad, PS- Okri, District- Jehanabad, (Bihar).
 11. Rajesh Kumar Singh, S/o- Ravindra Prasad Singh, (Roll No- 154491), At- Pokharpur, PO+ PS- Parsa, District- Saran, (Bihar).
 12. Bir Bahadur Ram, S/o- Nageshwar Ram, (Roll No.- 203319) At- Bairauna, PO- Lamichaur, PS- Bhore, District- Gopalganj (Bihar).
 13. Saojni Sharan Saroj, D/o- Babu Nand Prasad, (Roll No- 191631), At- Ranjan Kutir, Mitramandal Colony, Saket Bihar, Anishabad, PO- Anishabad, PS- Phulwarisharif, District- Patna (Bihar).
 14. Anil Kumar Ram, S/o- Ram Naresh Ram, (Roll No.- 148543), At- Ballia, PO- Krishnapali, P.S.- Darauli, District- Siwan (Bihar).
 15. Raju Kumar, S/o- Nand Lal Sah, (Roll No- 109948), At+ PO- Kumbhi, PS- Cheriya Bariyarpur, District- Begusarai (Bihar).
 16. Jyoti Kumari, D/o- Naresh Prasad, (Roll No.- 343393), At- Dharhara Kothi Lane Naya Tola, P.O.- Bankipur, P.S. Kadamkuan, District- Patna (Bihar).
 17. Soni Kumari, D/o- Naresh Prasad, (Roll No.- 343420), At- Dharhara Kothi Lane Naya Tola, P.O.- Bankipur, P.S. Kadamkuan, District- Patna (Bihar).
 18. Dinesh Kumar Dinkar, S/o- Sitaram Ramaiya, (Roll No.- 191237) At- A- 14 Anand Vihar Colony, Behind PCS, Beur Jail Road, P.S.- Beur, District- Patna (Bihar).
 19. Sumit Kumar, S/o- Sanjay Kumar Gupta, (Roll No- 256653), At- Lakhanusaray, PO+ PS- Sasaram, District- Sasaram (Bihar).
 20. Abhinav Kumar, S/o- Keshav Mahto, (Roll No- 166474), At- Bhagalpur, PO- Jagdishpur, PS- Tatarpur, District- Bhagalpur (Bihar).
 21. Deepak Kumar, S/o- Gajendra Sharma, (Roll No- 112869), At- Parwiniya, PO- Diwari, PS- Sonwarasha Kachhari, District- Saharsa (Bihar).
 22. Kunal Kumar, S/o- Vijay Mandal, (Roll No- 119722), Moh- Indai, Ward No- 18, PO+ PS+ District- Sheikhpura (Bihar).
 23. Sweta Rani, D/o- Om Prakash Singh, (Roll No- 264148), At- Zero Mile Chowk, PO- Company Bagh, PS- Ahiyapur, District- Muzaffarpur.
 24. Imran, S/o- Md. Shamim, (Roll No.- 165194), At+ PO+ PS- Bairgachhi, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, Department of General Administration, Govt. of Bihar, Patna.
3. Additional Secretary to the Government, Department of General Administration, Govt. of Bihar, Patna.
4. The Chairman, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg, Patna.
5. Bihar Public Service Commissioner through its Additional Secretary-cum-Controller of Examination, 15, Jawahar Lal Nehru Marg, Patna.

.... Respondent/s

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Appearance:

(In CWJC No.16241 of 2017)

For the Petitioner/s : Mr. Mukul Sinha



Mr. Rajesh Kumar
For the State : Mr. PARTHA SARTHY, GA-4
For the B.P.S.C. : Mr. Lalit Kishore, Advocate General
Mr. Satyabir Bharti

(In CWJC No.3412 of 2017)

For the Petitioner/s : Mr. Sanjeev Kumar Mishra
Ms. Priya
For the State : Mr. PARTHA SARTHI, GA-4
For the B.P.S.C. : Mr. Lalit Kishore, Advocate General
Mr. Satyabir Bharti

(In CWJC No.17186 of 2017)

For the Petitioner/s : Mr. Ashok Kumar Kashyap
For the State : Mr. MANISH KUMAR, GP-4
Mr. Manoj Kumar, A.C. to G.P.-4
For the B.P.S.C. : Mr. Lalit Kishore, Advocate General
Mr. Satyabir Bharti

(In CWJC No.14867 of 2017)

For the Petitioner/s : Mr. Mrigank Mauli
Mr. Vinay Mistry
For the State : SMT. SHILPA SINGH, GA-12
For the B.P.S.C. : Mr. Lalit Kishore, Advocate General
Mr. Satyabir Bharti .

(In CWJC No.15336 of 2017)

For the Petitioner/s : Mr. Parijat Saurav
For the State : Mr. MANISH KUMAR, GP-4
For the B.P.S.C. : Mr. Lalit Kishore, Advocate General
Mr. Satyabir Bharti

(In CWJC No.770 of 2018)

For the Petitioner/s : Mr. Anuj Kumar
For the State : Mr. MD. NADEEM SERAJ, GP-5
For the B.P.S.C. : Mr. Lalit Kishore, Advocate General
Mr. Satyabir Bharti

(In CWJC No.1135 of 2018)

For the Petitioner/s : Mr. Pankaj Kumar Dubey
For the State : Mr. S.S.PRASAD, SC-8
For the B.P.S.C. : Mr. Lalit Kishore, Advocate General
Mr. Satyabir Bharti

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
C.A.V. JUDGMENT
Date: 10-05-2018

The learned counsel appearing in the various writ petitions have submitted that they do not have any objection if the aforesaid writ petitions are



disposed of by a common judgment and order.

In view of the aforesaid, all the aforesaid writ petitions are being disposed of by the present common judgment and order. Since the issue involved in the aforesaid writ petitions are same and similar, for the sake of convenience, the facts of the first writ petition i.e. CWJC No. 16241 of 2017 is being referred to in the present judgment.

The brief facts of the case are that the B.P.S.C. published an advertisement dated 15.09.2016 inviting on-line applications from eligible candidates for 60th-62nd Common Combined (Preliminary/Mains) Competitive Examination, 2016 (hereinafter referred to as the Examination, 2016) for filling up 642 posts in various departments of the Government of Bihar and the last date for submission of applications, after being extended from time to time was 05.12.2016. Several applications are said to have been received whereupon the P.T. Examination was held on 12.02.2017, which comprised of 150 objective type questions and General Knowledge and General Science and the answer sheet was O.M.R. type, comprising of multiple choice alternative answers for each question. The Commission had then published a notice dated 07.04.2017 in the daily newspaper intimating to all the candidates that the answer key to the question has been uploaded on the website and if any candidate has any objection to the same, they can submit their objections along with suggestion and supporting materials till 5:30 P.M. on 24.04.2017. Altogether 271 objections/suggestions were received whereafter the same was considered by the expert committee and the expert committee recommended correction of model answers with respect to question nos. 32, 102, 131 and 140 of question booklet series "A". The said recommendations of the expert committee was approved by the B.P.S.C. and the changes were incorporated in the key answers. Thereafter, the result of P.T.



Examination was published on 13.09.2017 whereby 8282 candidates were declared successful in the P.T. Examination and it was prescribed that the number of candidates to be selected for the Mains Examination would be 10 times the notified vacancies. The petitioners herein have challenged the said result of the P.T. Examination, 2016.

The learned counsel for the petitioners Shri Mukul Sinha, Advocate has raised three issues for the purposes of assailing the result of the Preliminary Test of the Examination, 2016 which are as follows:

- (i) *It has been contended that the questions have been wrongly framed since the same contain material errors and the model answers are also incorrect.*
- (ii) *The decision taken by the Full Body of the Commission dated 29.04.2016, whereby and whereunder it was decided that the Commission shall henceforth qualify the candidates to the extent of 10 times the number of vacancies notified in the advertisement for the purposes of appearing for the Mains Examination, on the basis of preliminary screening test instead of 10 per cent of the appearing candidates in the Preliminary Examination, should not be implemented by the Commission for the Examination, 2016 inasmuch as admittedly no gazette notification with regard to the said decision was published by 30.06.2016, hence the old system being followed by the Commission i.e. qualifying 10 per cent of the appearing candidates in the Preliminary Examination, for the purposes of appearing in the Mains Examination should have been followed and thus the number of appearing candidates in the Preliminary Examination being 1,60,086/- candidates, number of successful candidates for the purposes of appearing in the Mains Examination ought to have been 10 per cent of 1,60,086/- and not 10 times the number of vacancies.*
- (iii) *The gazette notification is mandatory for the purposes of giving effect to the change of Rule.*



The learned counsel for the writ petitioners has feebly canvassed the first issue and has submitted that the model answers were not correct, hence prejudice has been caused to the writ petitions.

Per contra, the learned Advocate General appearing for the Commission has submitted that after conduct of the examination on 12.02.2017, the Commission through a notice in daily newspaper published on 07.04.2017 intimated the candidates that the model answers would be uploaded on the website of the Commission on 07.04.2017 and the candidates having objections can submit their objection/suggestion supported by reliable materials by 5:30 P.M. on 24.04.2017. Several objections were received whereafter the same was considered by the expert committee, and accordingly, the model answers were corrected.

It is submitted that in view of the said procedure adopted by the Commission, the correctness of the model answers cannot be questioned by the writ petitioners in the present proceedings and moreover they have failed to demonstrate as to how they have been prejudiced. In this regard, the learned Advocate General has referred to a judgment dated 08.01.2016 rendered by a Division Bench of this Court in the case of Rabindra Kumar Singh & ors. vs. the High Court of Judicature at Patna reported in **2016(1) PLJR 865 (Ravindra Kumar Singh vs. High Court of Judicature at Patna)**. It would be relevant to quote paragraph nos. 33, 36, 37, 45, 46, 49 and 54 of the said Judgment herein below:

“33. In our opinion, thus, in the absence of necessary pleadings and when the writ petitioners have failed to establish that any of their rights got adversely affected because of the impugned action, no interference is possible by this Court in exercise of its power of judicial review under Article 226 of the Constitution of India.

36. In order to claim issuance of prerogative writ under Article 226 of the



Constitution of India, a person, seeking such a relief, will have to plead and establish that he has been prejudicially and adversely affected by an act or omission of the State or its instrumentality. The party will have to demonstrate sufficient interest in the adjudication of the issue on the ground that because of any act or omission on the part of the authority, his rights got adversely affected.

37. *In the present case, the petitioners were required to plead, demonstrate and establish that they got less marks than what they deserved on the basis of their claim of wrong framing of questions/model answers. Unless a person is able to establish discrimination, this Court is not required to invoke its extraordinary writ jurisdiction under Article 226 of the Constitution of India merely on the pleadings of an erroneous act or omission on the part of an authority.*

45. *Having observed, what have been indicated above, in **Mukesh Thakur** (supra), the Supreme Court concluded, in paragraph 19 of **Mukesh Thakur's case** (supra), thus:—*

“19. In view of the above, it was not permissible for the High Court to examine the question paper and answer sheets itself, particularly, when the Commission had assessed the inter-se merit of the candidates. If there was a discrepancy in framing the questions or evaluation of the answer, it could be for all the candidates appearing for the examination and not for respondent no. 1 only. It is a matter of chance that the High Court was examining the answer sheets relating to law. Had it been other subjects like physics, chemistry and mathematics, we are unable to understand as to whether such a course could have been adopted by the High Court.” (Emphasis added)

46. *From what have been observed and held by the Supreme Court in **Mukesh Thakur's case** (supra), it clearly follows that if there is a discrepancy in framing of questions or evaluation of answers, it would be for all candidates appearing in an examination and not for any particular candidate that a Court cannot take upon itself the task of a statutory authority.*

49. *In the case of **Rajesh Kumar*** (supra), relied upon by learned counsel for the petitioners, the Supreme Court, instead of disturbing the process of selection, had directed re-evaluation of answer sheets on the basis of the correct model answers as suggested by the experts. What was ordered to be done, under the orders of the Supreme Court in case of*



Rajesh Kumar (*supra*), has already been done, *suo motu*, in the present case, by the Selection and Appointment Committee of the High Court. We do not find any reason to interfere with the decision taken by the Selection and Appointment Committee in the matter of correctness or otherwise of the questions and model answers, inasmuch as we cannot sit, in appeal, over such a decision in the present proceeding under Article 226 of the Constitution of India.

54. Situated thus, having considered the facts and circumstances of the present case and the submissions advanced on behalf of the parties, we arrive at the following conclusions:—

(i) In the absence of any pleading that these petitioners raised any objection/grievance with respect to wrong framing of Question Nos. 1, 14, 39, 40, 72, 81 and 85, at any stage prior to publication of the revised result on 4.5.2015, their plea to challenge the revised list on the basis of purported wrong framing of those questions cannot be entertained, when they have taken a chance of their success on the basis of the questions and model answers so framed. This is for the reason that the screening/preliminary test was held on 22.3.2015. Had they found those questions to be defective making them incapable to deal with the questions, while writing the test, they could have, immediately, pointed out to the Registrar General of the High Court or any other competent authority in this regard. They, however, took a chance till the result was published on 8.4.2015 and after model answers were uploaded on the website of the High Court on 4.5.2015. There is no pleading that even thereafter, these petitioners raised any objection as regards wrong framing of these questions. It was only after revised result was published by the High Court on 25.5.2015 that the petitioners, after having become unsuccessful, have challenged the revised result.

In such situation, thus, the petitioners cannot, in a proceeding under Article 226 of the Constitution of India, be permitted to do hair-splitting of the questions and model answers in order to take a plea that the questions/model answers were wrongly framed.



- (ii) *There is no specific pleading as regards any prejudice having caused to petitioners as discussed above, because of wrong framing of questions/wrong model answers as asserted by them, which adversely affected the evaluation of their actual performance in the screening/preliminary test. As the multiple-choice type question papers and model answers were available to them, they could have taken the plea, with reference to particular question or questions that they were awarded less marks or no marks, because of such discrepancy, adversely affecting their rights. Pleadings, in this regard, in all writ applications, are general and vague in nature. In the absence of specific plea of real prejudice having been caused to the petitioners, their grievance to this effect is not sustainable.*
- (iii) *In view of the Supreme Court's decision in the case of **Mukesh Thakur** (supra) and other judicial pronouncements as noted above, we are of the considered view that while exercising power of judicial review available under Article 226 of the Constitution of India, it is not permissible for this Court to take upon itself the task of Examiner/Selection Board and examine discrepancies and inconsistencies in the question paper and evaluation thereof, law to this effect has been laid down in most clear and unambiguous terms by the Supreme Court in the said decision, which was not brought to the notice of the Division Bench of this Court in case of **Kumod Kumar** (supra).*
- (iv) *No writ, in the nature of writ of mandamus, can be issued for lowering down the cut-off marks of screening/preliminary test in breach of the statutory prescription under sub-clause (iii) of Clause 5 of Rule 5 of the Bihar Superior Judicial Service Rules, 1951."*

The learned Advocate General has also referred to a judgment reported in **2016(3) PLJR 270 (Ashutosh Kumar Jha vs. State of Bihar)** to contend that the opinion of experts is required to be respected and the Courts would not venture to substitute their wisdom by sitting in appeal over and above the opinion



of the experts and some kind of finality is required to be given to the decision so taken unless there is something glaring which emerges in such opinion of the experts. The learned Advocate General has also referred to a judgment dated 04.10.2016 passed in L.P.A. No. 1235 of 2016 as also to a judgment of the Hon'ble Apex Court reported in **2018(2) SCC 357, (Ran Vijay Singh & ors. vs. State of Uttar Pradesh & ors.)** paragraph no. 31 and 32 thereof are reproduced hereinbelow:-

“31. On our part we may add that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible. This Court has shown one way out of an impasse – exclude the suspect or offending question.

32. It is rather unfortunate that despite several decisions of this Court, some of which have been discussed above, there is interference by the Courts in the result of examinations. This places the examination authorities in an unenviable position where they are under scrutiny and not the candidates. Additionally, a massive and sometimes prolonged examination exercise concludes with an air of uncertainty. While there is no doubt that candidates put in a tremendous effort in preparing for an examination, it must not be forgotten that even the examination authorities put in equally great efforts to successfully conduct an examination. The enormity of the task might reveal some lapse at a later stage, but the Court must consider the internal checks and balances put in place by the examination authorities before interfering with the efforts put in by the candidates who have successfully participated in the examination and the examination authorities. The present appeals are a classic example of the consequence of such interference where there is no finality to the



result of the examinations even after a lapse of eight years. Apart from the examination authorities even the candidates are left wondering about the certainty or otherwise of the result of the examination – whether they have passed or not; whether their result will be approved or disapproved by the Court; whether they will get admission in a college or University or not; and whether they will get recruited or not. This unsatisfactory situation does not work to anybody's advantage and such a state of uncertainty results in confusion being worse confounded. The overall and larger impact of all this is that public interest suffers.”

This Court, after considering the rival submissions on the Issue No. (i), finds that the writ petitioners have failed to demonstrate as to how they have been prejudiced and secondly after the Commission has, in a most transparent manner conducted the exercise of correcting the model answers by inviting objections from the candidates and rectifying the discrepancies/errors in the model answers by constituting an expert committee, this Court cannot sit in appeal over the wisdom of the expert committee especially on account of the fact that no glaring error has been brought to the notice of this Court.

In such view of the matter, the writ petitions cannot have any grievance on this score. Moreover, if there is any discrepancy in framing of questions or evaluation of answers, it would be for all the candidates appearing in an examination and not for any particular candidate, as has been held in the case of Ravindra Kumar Singh & ors. (supra). Furthermore, it is a settled principle of law that this Court sitting in a writ jurisdiction, exercising power of judicial review, should refrain from going into the correctness or otherwise of the opinion of the expert body and should not sit over such judgment of the expert body unless it appears to be obnoxious, which is not the case in the present litigation.

Hence, the issue no. 1, raised by the writ petitioners is answered against the writ petitioners and in favour of the respondents.



The issue nos. (ii) & (iii) raised by the learned counsel for the writ petitioners, being common, have been taken up for consideration jointly.

The learned counsel for the petitioners has contended that the Commission by a notification dated 15.07.1995, duly published in the gazette, has notified the mode and manner of conduct of examination and one of the provision made therein is regarding the number of candidates to be selected for the purposes of Mains Examination, with regard to which it has been provided that the number of candidates to be selected for the Mains Examination will be equal to either 10 times of the total existing vacancies or 10 per cent of the total number of the candidates who have participated in the preliminary examination. It has been further stated in the said notification dated 15.07.1995 that the decision of the Commission shall be final. The learned counsel has further referred to the decision of the Full Body of the Commission, taken in its meeting dated 29.04.2016 wherein it has been decided that the total number of candidates to be declared successful for appearing in the Mains Examination shall be equal to 10 times of the total vacancies received from various departments, to be selected by means of Preliminary Examination. It has thus been submitted that now the Commission has changed the procedure and limited the number of candidates, for the purposes of Mains Examination, to 10 times the number of vacancies instead of the earlier procedure of selecting 10 per cent of the appearing candidates in the Preliminary Examination. It has been further submitted that the said minutes of meeting dated 29.04.2016, further prescribes that the aforesaid procedure, decided in the meeting dated 29.04.2016 shall be sent to the General Administration Department, Bihar and the decision of the Government shall be obtained by 30.06.2016 whereafter the same shall be notified in the gazette so that the 60th-62nd Examination can be conducted according to the amended procedure in a



lawful manner. The said minutes of meeting dated 29.04.2016 also provides that in case the new procedure is not notified in the gazette by 30.06.2016, the 60th-62nd Examination shall be held according to the old procedure and syllabus. It is the submission of the learned counsel for the petitioners that the gazette notification was issued only on 30.10.2017, hence the new procedure for conduct of the examination, as decided in the meeting dated 29.04.2016 could not be implemented for the purposes of 60th-62nd Examination, 2016 since firstly the gazette notification was not issued by 30.06.2016 and secondly the result of the Preliminary Examination has been issued on 13.09.2017 i.e. prior to the said gazette notification dated 10.10.2017. The learned counsel has relied upon a judgment reported in 1995(2) PLJR 170 (Ganesh Prasad Yadav & ors. vs. the State of Bihar & ors), paragraph no. 13 and 37 whereof are reproduced hereinbelow:-

“13.It is further stated that in view of the observation made by this Court in the case of Sanjay Kumar vs. B.P.S.C. (1994 (2) PLJR 414) that the Commission can frame rules, norms or guidelines for the transaction of its business and to carry out its different constitutional duties and functions, the Commission has framed the Rules known as “The Bihar Public Service Commission Rules of Procedure, 1993,” which became effective from 3rd November, 1993. The 39th Combined P.T. Examination has been held by following the procedure as provided under the said Rules. The 39th Combined P.T. Examination was conducted by a Committee of three members of the Commission and approved by the Chairman in accordance with the provisions of the said Rules. The said Rules provide that the decision of the said Committee will be deemed to be the decision of the Commission. In other words, the decision was taken by the entire body of the Commission in accordance with the provisions of the said Rules.

37. So far as the last submission advanced on behalf of the non-selectees is concerned, it is to be stated that this Court in the case of Sanjay Kumar vs. B.P.S.C. (supra) in paragraph 26 observed as follows:

“In the absence of any rule making power (conferred by the Constitution)



all that can be said is that the rules framed by the Commission will not be statutory in nature. The absence of any rule making power under the Constitution surely does not prohibit the Commission from framing rules, norms or guidelines for the transaction of its business and to carry out its different constitutional duties and functions. Such rules will be operational and binding irrespective of the fact that they may not be statutory but only administrative in nature provided of course they satisfy the tests of fairness and reasonableness. These will be highly useful in providing the much needed guideline in the functioning of the Commission and shall go a long way in saving it from any controversies of the present kind.”

In pursuance of the aforesaid observation, the Commission has framed the Rules as mentioned above. The said Rules have been framed by the Commission, which means that all the members have participated in framing the said Rules. According to the Rule 3 (1) the business of the Commission shall be transacted either by the Commission or by one or two members including the Chairman as specified in the Schedule. Sub-rule (2) of Rule 3 provides that notwithstanding anything contained in sub-rule (1) the Chairman may, if he considers necessary and expedient to do so in public interest, direct that any particular matter or business, be placed before the Commission for disposal. Schedule to the said Rules provides that the task of making examination rules including scheme of examination and syllabus has been entrusted to two members nominated by the Chairman. The existing policy of conduct of examination could be changed only by the Commission. It has been specifically stated in the affidavit filed on behalf of the Commission that the examination has been conducted according to the rules. Thus, no fault can be found in the conduct of the examination by the Commission on the ground asserted by the non-selectees. Thus, none of the submissions advanced on behalf of non-selectees for cancelling the preliminary test is sustainable in law.”

The learned counsel for the writ petitioners, relying on the aforesaid judgment of the learned Division Bench of this Court, rendered in the case of Ganesh Prasad Yadav (supra) has contended that the existing policy of conduct of examination can only be changed by the Commission. The learned counsel for the writ petitioners has also relied upon a judgment reported in **2016(3) PLJR 270**



(Ashutosh Kumar Jha vs. State of Bihar), paragraph nos. 4 & 7 whereof are reproduced herein below:-

- “4. *The uncontroverted facts are that a Preliminary Examination was held of the eligible candidates to enable them to participate in the Mains Examination of what is known as 56th to 59th Patna High Court CWJC No.19328 of 2015 dt.05-05-2016 Combined Competitive Civil Services Examination. After evaluation, BPSC published the results on 21.11.2015 wherein 28308 candidates were declared successful and became eligible to participate in the Mains Examination.*
7. *After the conduct of the examination, BPSC invited objections from the candidates after publishing the model questions and answers on its website. There were almost 2,50,000 candidates, who appeared in the Preliminary Examination but only 581 objections were received by the BPSC on the model questions and answers.*

The learned counsel relying upon the aforesaid judgment rendered in the case of Ashutosh Kumar Jha (supra) has tried to impress upon this Court that the Commission has always been following the Rule of qualifying 10 per cent of the appearing candidates in the Preliminary Examination, for the purposes of appearing in the Mains Examination.

Next decision relied upon on behalf of the writ petitioners is a judgment reported in **2010 (6) SCC 545 (T. Narasimhulu & ors. vs. State of Andhra Pradesh & ors.)**, paragraph nos. 15, 16 and 17 are reproduced herein below:-

- “15. *This is not to say that rules made under the proviso to [Article 309](#) of the Constitution are not required to be published at all. A rule made under the proviso to [Article 309](#) of the Constitution has the same effect as an Act of appropriate Legislature regulating the recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State. Hence, even if [Article 309](#) of the Constitution does not say that the rules made under the proviso thereto are required to be published,*



these rules are required to be published just as any other Act passed by the appropriate Legislature is required to be published so that the persons affected by the rules or the Act are aware of the rule or the Act.

16. *[In Harla v. The State of Rajasthan](#) [AIR 1951 SC 467] this Court held: "... Natural justice requires that before a law can become operative it must be promulgated or published. It must be broadcast in some civilized way so that all men may know what it is or, at the very least, there must be some special rule or regulation or customary channel by or through which such knowledge can be acquired with the exercise of due and reasonable diligence. The thought that a decision reached in the secret recesses of a chamber to which the public have no access and to which even their accredited representatives have no access and of which they can normally know nothing, can nevertheless affect their lives, liberty and property by the mere passing of a Resolution without anything more is abhorrent to a civilized man. It shocks his conscience. In the absence therefore of any law, rule, regulation or custom, we hold that a law cannot come into being in this way. Promulgation or publication of some reasonable sort is essential."*

Also in [State of Maharashtra v. Mayer Hans George](#) [AIR 1965 SC 722] this Court held:

"45..... Where there is a statutory requirement as to the mode or form of publication and they are such that, in the circumstances, the Court holds to be mandatory, a failure to comply with those requirements might result in there being no effective order the contravention of which could be the subject of prosecution but where there is no statutory requirement we conceive the rule to be that it is necessary that it should be published in the usual form i.e. by publication within the country in such media as generally adopted to notify to all the persons concerned the making of rules"

17. *It will be clear from the law laid down by this Court that where the law prescribes the mode of publication of the law to become operative, the law must be published in that mode only, but where the mode of publication of the law is not prescribed by the law, such law should be published in some usual or recognized mode to bring it to the knowledge of all persons concerned. In the present case, the*



contention of the appellants before the Tribunal or the High Court was not that the Government Order in G.O.Ms. Nos. 35 and 51 that the amendment to Rule 2 of the Forest Service Rules would have retrospective effect from 08.04.1986 was never made known by any reasonable mode, but that it was not published in the Official Gazette. This contention of the appellants, as we have seen, has no merit."

Relying upon the aforesaid judgment rendered in the case of T. Narasimhulu (supra), it has been submitted that in order to make a law operative, the same is required to be published in gazette or should be published in some usual or recognized mode to bring it to the knowledge of all persons concerned.

In nutshell, the submission of the learned counsel for the writ petitioners is that since the new policies / procedures for conducting the examination was not published in the gazette (as devised by the Full Body of the Commission in its meeting held on 29.04.2016), before the publication of the result of the Preliminary Examination on 13.09.2017, the old Rules were required to be followed and since the Commission had been, till the last examination, following the procedure of selecting candidates for the Mains Examination equivalent to 10 per cent of the total number of candidates appearing in the Preliminary Examination, the Commission could not have deviated from the said procedure and instead resorted to the procedure of selecting candidates for the Mains Examination equivalent to 10 times the number of total vacancies, as has been done illegally in the present case.

Per contra, the learned Advocate General, appearing for the Commission has submitted that firstly the Bihar Civil Service (Executive Branch) and Junior Civil Service (Recruitment) Rules, 1951, enacted by the State Government in exercise of powers conferred by proviso to Article 309 of the Constitution of India has not been amended as has been claimed by the petitioners in their writ



petitions. It is stated that the BPSC is entitled to prescribe the procedure and criteria for conduct of examinations, as such vide notification dated 15.07.1995, it was provided that candidates selected for the Mains Examination from those appearing in the Preliminary Examination would be either 10 times of the number of notified vacancies or 10 percent of the appearing candidates and the decision of the BPSC in this regard shall be final, hence by the said notification, the BPSC has been authorized to adopt either of the said two modes for the purposes of selecting candidates for appearing in the Mains Examinations. Nonetheless, it is further submitted that the BPSC in its meeting dated 29.04.2016 i.e. much before the publication of the advertisement on 15.09.2016, had resolved to invite only 10 times the number of vacancies for the Mains Examination on the basis of Preliminary Examination whereafter the State Government, by its letter dated 14.07.2016 had also granted its concurrence to the aforesaid decision of the Commission. Thereafter, the advertisement for the present examination was issued on 15.09.2016 and the BPSC notified the restructured syllabus and amended examination format and uploaded the same on its website on 15.09.2016 itself wherein it was notified that candidates equivalent to only 10 times the number of notified vacancies, would be selected for the Mains Examination. It is thus contended that the decision of the Commission was known to all concerned candidates / applicants, hence the writ petitioners cannot feign ignorance about the knowledge of the amended examination format which was available on the public domain.

The learned Advocate General has alternatively submitted that even otherwise the previous gazette notification dated 15.07.1995 enabled the BPSC to select either 10 times the number of notified vacancies or 10 per cent of the appearing candidates for the Mains Examination and the B.P.S.C. was required to



take a final decision in this regard, hence the BPSC is well within its power to select only 10 times the number of notified vacancies for the purposes of Mains Examination, which has been done by the BPSC by way of the decision taken by its full body in the meeting held on 29.04.2016. The learned Advocate General has relied upon a judgment reported in **1996 (1) PLJR 538 (Subodh Kumar & ors. vs. Bihar Public Service Commission & ors.)**, paragraph nos. 10, 11, 22, 23 and 24 whereof are reproduced hereinbelow:-

“10. It is within the discretion of the Commission to act according to the powers given under Article 320 of the Constitution (See Yasbant Singh Mathura Singh v. Ahmedabad Municipal Corporation, (1992) Suppl. (1) S.C.C.5, Municipal Corporation of Bombay v. N.S.E. Company Limited, A.I.R. 1991 S.C. 1362). The present context, the expression ‘number of vacancies in each services to be commenced and to be filled up by direct appointment is hedged with the expression “in such manner as they think it”. This obviously indicates that wide discretion has been given to the Commission to commence the examination in such manner as it thinks fit. Rule 5 employs expression ‘may’ and it is directory. This rule indicates that in case the number of candidates exceeds the limits the Commission has to make Preliminary Selection of the candidates on the basis of their academic records. But as indicated above, this rule has been later on amended and substituted by Rule 5 as published in the Bihar Extraordinary Gazette dated 17.11.1995. In our considered opinion, Rules 4 and 5 and condition no. 5 of the advertisement (Annexure-1) are directory in nature and as indicated above the number of vacancies to be filled up being 164 have already been indicated by the Government well before publication of the result of the Preliminary Test.

11. There is another aspect of the matter. The candidates selected in the Preliminary Test. (i.e. 1740) are more than 10 times of the actual number of vacancies (i.e. 164). We have got sympathy with the petitioners but the difficulty is that they could not qualify to be called for the final test even within the limits of 1740 candidates, more than 10 times of the actual number of vacancies. In our opinion, no



prejudice under these circumstances, has been caused to the petitioners as they could not qualify within the limits of more than 10 times of the actual number of vacancies. As the number of vacancies were communicated subsequent to the holding of the Preliminary Test but before the publication of the result, hence it cannot be said that Rule 5 or Condition no. 5 of the advertisement has been totally violated. There is slight variation and we are conscious that in such matter the “doctrine of necessity”, comes in play. Certain amount of allowance has to be made in favour of the working of the Government, keeping in view the dictum of their Lordships of the Apex Court about ‘process of Govt. working in this country as enunciated in Union of India & ors. v. Satish Chandra Sharma (A.I.R. 1980 S.C. 600, at page 603, bottom of para 11) quoted as follows:

“The description of Govt. and its processes, as prevalent in the days of Lord Curzon, holds good today. Here are his impatient words dipped in pungent ink:

“... the administration had become ponderous like an elephant, very stately, very powerful, with a high standard of intelligence, but with a regal slowness in its gait”.

“Round and round, like the diurnal revolution of the earth, went the file, stately, solemn, sure and slow and now, in due season, it has completed its orbit, and I am invited to register the concluding stage.”

22. *In view of the plenary powers of the expert body like the Bihar Public Service Commission it shall have power to change even the requisite qualifications with a view to short listing of the candidates. In this view of the matter also Rules 4 and 5 of the Rules and Condition No. 5 of the Advertisement are directory and not to be implemented in its letter and spirit. In such fact situation the condition indicated could be modified by the Commission and even without announcing the actual number of the vacancies at the time of issuing advertisement even the result of the Preliminary Test could be published, there was no illegality nor the petitioners were prejudiced, and the principle that it has to be done in a particular way was a general principle and it has to be modified in accordance with the particular provisions of the relevant rules and the fact situation.*



23. *Even at the cost of repetition our answers to the questions posed are that Rules 4 and 5 of the Rules and also Condition No. 5 of the advertisement are directory and the ommission has plenary power to hold examination and it shall have power even to modify the procedure or to lay down different guidelines in case it is faced with certain difficult fact situation. But the course adopted must not be arbitrary or unreasonable.*
24. *Before closing with the case the justification for the relief of writ of certiorari and writ of mandamus may be examined. The operation of a writ of certiorari is extended to control proceedings of bodies which cannot be said to be courts of justice. Whenever any body or person or any authority required to determine the questions affecting the rights of the citizens and having duty to act in a quasi judicial manner in excess of their legal authority, in that event it is subject to the jurisdiction of this Court in a writ of certiorari. But before issuing a writ of certiorari it has to be ascertained whether the petitioners have got legal right or subordinate body exercising jurisdiction, has acted beyond jurisdiction, it is equitable and discretionary remedy and need not be issued as a matter of right or as a matter of course. Whether the substantial justice has been done or if the petitioners are not prejudiced, in that event this Court would not be justified in issuing equitable remedy of a writ of certiorari. In the present case we are satisfied that neither the petitioners have legal right to challenge the Preliminary Test held by the Commission nor they can challenge the procedure adopted by the Commission. As the number of the vacancies were actually declared and communicated to the Commission by the State much before the result of the Preliminary Test was published, there was no illegality. The matter can be angulated in a different perspective, more than ten times of the actual vacancies were declared successful at the Preliminary Test. In fact the Preliminary Test was not the actual examination where the candidates are selected to fill up the actual number of the vacancies, rather it was just commencement of the process of the examination. Non-communication of the number of actual vacancies just before commencement of the Preliminary Test has not caused any prejudice to the petitioners. Before issuing a writ of certiorari the Court should weigh equitable realities of the*



situation. The present is not a fit case, in our opinion, where a writ of certiorari can be issued.”

In nutshell, the submission of the respondent is that even if the decision of the Full Body of the Commission, taken in its meeting held on 29.04.2016, has not been published in the Gazette for the purposes of the Examination, 2016, one would have to fall back on the gazette notification dated 15.07.1995 which postulates both the situations inasmuch as the Commission can either select 10 per cent of the appearing candidates in the Preliminary Examination or 10 times the notified vacancies for the purposes of appearing in the Mains Examination.

I have heard the learned counsel for the parties as also the counsels appearing in other matters, who have adopted the submissions made by Shri Mukul Sinha, Advocate appearing in the main matter, as far as issues No. (ii) and (iii) are concerned. I have also perused the materials on record.

It is true that unless and until a Rule/Law is notified in a Gazette or published in some usual or recognized mode so as to bring the same to the knowledge of all persons concerned, the same cannot be made operative. However, the matter is different in the present cases and the aforesaid proposition of Law, as postulated and canvassed by the Ld. Counsel for the petitioner, is not required to be adverted to in as much as if one has to disregard the Gazette notification dated 30.10.2017, one would have to fall back on the old procedure, as postulated in the Gazette notification dated 15.07.1995. The Gazette notification dated 15.7.1995 undisputedly postulates and enables the Commission to select either 10 times the number of notified vacancies or 10 per cent of the appearing candidates for the purposes of appearing in the Mains Examination. The said notification dated 15.07.1995 also states that the decision of the Commission in this regard shall be final. In such view of the matter, the BPSC



was/is well within its right to choose either of the aforesaid mode and since it has chosen to select the method of calling 10 times the number of notified vacancies for the purposes of appearing in the Mains Examination, based on the decision taken by the full body of the commission in its meeting held on 29.04.2016, as approved by the Government on 14.07.2016, i.e prior to the publication of the Advertisement, no fault can be found in the procedure, hence the aforesaid argument advanced on behalf of the writ petitioners cannot be a ground for quashing the result of the Preliminary Examination and instead declaring fresh result by publishing list of successful candidates equivalent to 10 per cent of the appearing candidates. This aspect of the matter is fully covered by the Judgment rendered by this Court in the case of Subodh Kumar & ors. (Supra).

Another aspect of the matter is that the afore-said procedure to be adopted by the learned Commission regarding choosing candidates equivalent to 10 times the number of notified vacancies for the purposes of appearing in the Mains Examination was in fact notified by the B.P.S.C. on 15.09.2016 itself on its website, in pursuance to Clause-14 of the Advertisement dated 15.09.2016, which reads as follows:-

“14. बिहार असैनिक सेवा में सीधी नियुक्ति हेतु मुख्य परीक्षा संरचना में किये गये संशोधन से सम्बन्धित आवश्यक सूचना आयोग के वेबसाईट- www.bpsc.bih.nic.in पर उपलब्ध है। साथ ही बिहार असैनिक सेवा (कार्यपालिका शाखा) और बिहार कनीय असैनिक सेवा (भर्ती) नियमावली, 1951 के परिशिष्ट-‘घ’ में अंकित परीक्षा संरचना में किये गये संशोधन की विस्तृत एवं पुनरीक्षित पाठ्यक्रम भी आयोग के उक्त वेबसाईट पर उपलब्ध है।”

Therefore, the writ petitioners cannot either contend that they were not having knowledge about the said procedure nor does it lie in their mouth to assert that any prejudice has been caused to them. Though the aforesaid writ petitions are bound to fail on the grounds mentioned hereinabove, however, it would be apt



to reiterate the law laid down by the learned Division Bench of this Court in the case of Subodh Kumar (supra) to the effect that in view of the plenary power of the expert body like the Bihar Public Service Commission, it shall have power to change even the requisite qualifications, modify the procedure and to lay down different guidelines in case it is faced with certain difficult fact situation, with a view to shortlisting of the candidates.

Hence, the issue nos. (ii) & (iii), raised by the writ petitioners are answered against the writ petitioners and in favour of the respondents.

Before parting, it might be appropriate to state here that although the BPSC has undisputedly uploaded the so called new procedure on 15.09.2016 itself i.e. on the date of publication of the advertisement, for selecting candidates equivalent to 10 per cent of the notified vacancies after conduct of the Preliminary Examination, for the purposes of appearing in the Mains Examination, the writ petitioners never chose to challenge the said procedure / mode of selection and now after the publication of the Preliminary Examination result on 13.09.2017, when they have found themselves to be not successful in the said examination, they have resorted to the present litigation in a mala fide manner which is clearly not permissible.

For the reasons mentioned hereinabove, I do not find any merit in the aforesaid batch of writ petitions, hence all the aforesaid writ petitions are dismissed, however, without any order as to costs.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	AFR
CAV DATE	02.04.2018
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