

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8608 of 2017

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1. Anamika daughter of Ajit Kumar Sinha resident of B - 11, Shriram Kunj, East Boring Canal Road, Patna.
 2. Gunjan son of Dr. Ashok Kumar Dubey resident of House No - 105/14, Ashok Nagar, Road No. - 14 B, Kankarbagh, Patna - 20.

.... Petitioner/s

Versus

1. Bihar Public Service Commission, Office at 15, Jawaharlal Nehru Marg, Bailey Road, Patna, Bihar - 800001.
2. The Chairman, Bihar Public Service Commission, Office at 15, Jawaharlal Nehru Marg, Bailey Road, Patna, Bihar - 800001.
3. The Joint Secretary-cum-Controller of Examination, Bihar Public Service Commission, Office at 15, Jawaharlal Nehru Marg, Bailey Road, Patna, Bihar 800001.
4. The Secretary, Department of Science and Technology, Government of Bihar.
5. The Additional Secretary, Department of Science and Technology, Government of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the BPSC : Mr. Sanjay Pandey, Advocate
For the State : Mr. Kumar Alok, SC-7

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT

Date: 08-05-2018

This writ application has been filed seeking quashing of the result dated 20.4.2016 issued by the Bihar Public Service Commission to the extent the same relates to Advertisement No.26 of 2016 for appointment to the post of Assistant Professor in English subject in Engineering and Polytechnic Colleges under Science and Technology Department, Government of Bihar. The petitioners seek a direction to allow them to appear for the interview on the basis of



their performance in the written test. It is the case of the petitioners that in the absence of any stipulation in the advertisement that only those who are selected in the written examination shall be called for interview, denial by the Bihar Public Service Commission to allow the petitioners to appear for interview is arbitrary and against the terms of advertisement.

2. Learned counsel appearing on behalf of the petitioners has submitted that both the petitioners had secured more than minimum qualifying marks in the said examination and therefore they had a right to be called for the interview.

3. A counter affidavit has been filed on behalf of the BPSC stating therein that based on merit list of written examination, cut-off marks has been fixed for calling the aspirants for interview. It is stated that number of candidates called for interview is 2.5 times the number of vacancies advertised. On the basis of their respective performance, the petitioners could not be declared success because the marks scored by them in written examination is less than the cut-off marks.

4. Learned counsel appearing on behalf of the Commission has submitted that it is not the case of the petitioners that any candidate with less marks has been invited for interview and, therefore, this applications has no merit.



5. After having considered the pleadings on record and rival submissions made on behalf of the parties, it is evident that it is not the case of the petitioners that any person with lesser marks has been invited for interview. The stand of the Bihar Public Service Commission that only 2.5 times the number of vacancies have been invited for interview appears to be reasonable.

6. Learned counsel for the petitioners has tried to convince this Court that some of the questions were wrongly framed or some of the answer keys were incorrectly prepared. In the absence of any plea of prejudice caused to the petitioners because of wrong framing of question, the submission cannot be entertained. I do not find any merit in this application, which is accordingly dismissed.

(Chakradhari Sharan Singh, J)

N.H./- R.S.Sen

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11-05-2018
Transmission Date	

