

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1294 of 2018

In

Civil Writ Jurisdiction Case No.4726 of 2018

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1. Bijay Shankar Tiwari S/o Manbodh Tiwari Resident of Baba Nagar, Near Syndicate, P.S.- Buxar, District- Buxar.
 2. Sanjay Kumar, S/o Sudhir Prasad Sah, Resident of Village-Telyari, P.S.- Bhawanipur Rajdham, District- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Department of General Administration, Old Secretariat, Patna.
2. Bihar Public Service Commission, Jawahar Lal Nehru Marg (Bailey Road), Patna through its Chairman.
3. Secretary, Bihar Public Service Commission, Jawahar Lal Nehru Marg (Bailey Road), Patna.
4. Controller of Examinations, Bihar Public Service Commission, Jawahar Lal Nehru Marg (Bailey Road), Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prabhakar Singh, Advocate
For the BPSC : Mr. Ashok Kumar Choudhary, Advocate
Mr. Akshansh Ankit, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-11-2018



Heard Shri Prabhakar Singh, learned counsel for the appellant and Shri Ashok Kumar Choudhary for the Bihar Public Service Commission.

2. The appellants had filed writ petition alleging irregularities in the examinations conducted by the Bihar Public Service Commission, particularly with regard to evaluation of answer-sheets having been got conducted through different subject experts.

3. The writ petition has been dismissed by the learned Single Judge on the ground that the appellants have not been able to bring material on record for interference under Article 226 of the Constitution of India.

4. We do not find any such error inasmuch as in order to establish any legal right or any claim arising out of a matter pertaining to the nature involved in the present controversy the appellant should have been diligent enough to obtain relevant documents from the Bihar Public Service Commission under Right to Information Act before coming to the Court and ought to have filed a writ petition with specific allegations in this regard. Consequently, we are not inclined to interfere with the judgment of the learned Single Judge without prejudice to the rights of any aggrieved person to question the



correctness or otherwise of the declaration of the result or holding of the examinations by the Bihar Public Service Commission in accordance with law on an appropriate petition.

5. This Letters Patent Appeal stands disposed of accordingly.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-R.S.Sen

AFR/NAFR	
CAV DATE	
Uploading Date	28.11.2018
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