

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1612 of 2019

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Amit Kumar, S/o Ras Bihari Gupta, aged about 30 years, resident of Kalimandir Road, Near Navneet Housing Colony, Sanjay Gandhi Nagar, P.S.- Patrakar Nagar, Post- Lohiya Nagar, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. The Bihar Public Service Commission through its Secretary, Bailey Road, Patna.
4. The Chairman of Bihar Public Service Commission, Bailey Road, Patna.
5. The Joint Secretary, Bihar Public Service Commission, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh, Adv.

For the Respondent/s : Mr. Kamlesh Kishore, AC to SC12

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 30-01-2019

The petitioner seeks quashing of the result which has been published by the Bihar Public Service Commission (*in short the BPSC*) on 29.09.2018 for appointment of Dental Surgeons in government hospitals.

2. It appears that against the advertisement,



which was issued in the year 2015 for appointment of Dental Surgeons, the petitioner along with others had applied and had become successful in the first round. The petitioner was also called for interview, but ultimately he was not placed high in the merit-list for him to be offered any letter of appointment.

3. The learned counsel for the petitioner has challenged the publication of the aforesaid result on the grounds that *prima facie* the results being published 3 years later than the advertisement, leads to an inference that some irregularity has been committed while finalizing the merit-list finally. The other ground of challenge is that the marks which have been allocated for experience, viz., maximum of 25 marks (5 marks for each year of experience in government hospital) is rather on the higher side. A candidate having more experience is thus permitted to steal a march over other candidates who have performed well in their academics, i.e., in B.D.S. or M.D.S. course. Another ancillary ground of challenge is that from the perusal of the merit-list, the petitioner is of the view that only those



candidates have been selected who have passed from the private medical colleges.

4. All the aforesaid grounds are not worthy of taking into consideration for passing any order against the aforesaid result published by the BPSC.

5. The selection process definitely took a longer time than required; nonetheless merely because the result was published in the year 2018 would not lead to the only necessary inference that irregularity was committed in the preparation of the final merit-list. The allocated 25 marks for the experience was declared upfront in the advertisement against which the petitioner also applied and participated. He cannot, thereafter, be permitted to challenge the conditions of selection, more particularly the allocation of marks under various heads. So far as the section of candidates who have passed from the private colleges are concerned, the objection appears to be meaningless.

6. No good ground has been raised by the learned counsel for the petitioner to entertain the present petition.



7.Finding no merits in this writ petition, the same is dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
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