

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4461 of 2019

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Sejal Kumari, daughter of Jageshwar Chaudhary, resident of Village-Madhepur,P.O. and P.S. Kashichak, Dist.-Nawada

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Principal Secretary, General Administrative Department, Govt. of Bihar, Patna
2. The Principal Secretary, General Administrative Department, Govt. of Bihar, Patna
3. Bihar Public Service Commissioner through its Chairman,15, Jawahar Lal Nehru Road (Bailey Road), Patna-800001
4. Chairman, Bihar Public Service Commission,15, Jawahar Lal Nehru Road (Bailey Road),Patna-800001
5. The Secretary, Bihar Public Service Commission,15, Jawahar Lal Nehru Road (Bailey Road), Patna-800001
6. The Examination Controller, Bihar Public Service Commission,15, Jawahar Lal Nehru Road (Bailey Road), Patna-800001

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Adv Mr. Akshansh Ankit, Adv
For the Respondent/s	:	Mr. Md. Nadim Seraj (GP-5) Mr. Shailesh Kumar, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 11-03-2019

The petitioner has approached this Court for a direction to the Bihar Public Service Commission (respondent No. 3) for issuance of the answer-book of the paper of Labour & Social Welfare-I and II along with model answers to him as he suspects that her answer-sheets have not been marked properly. Though no details have been provided in the writ petition for the petitioner to have come to such



conclusion; nonetheless what has been pointed out to this Court is that after approximately two years of the holding of the examination, the result was published and to the dismay of the petitioner, the marks shown to have been obtained by her in the aforesaid paper of Labour & Social Welfare-I and II were abysmally low.

2. The petitioner submits that dissatisfied with the marking in the paper, the petitioner wanted to know where has she faulted. For the aforesaid purpose, she filed an application under the RTI for issuance of the answer- book and the model answers but no reply was given to her. Aggrieved by the inaction of the Information Officer, the petitioner has preferred an appeal before the Appellate Authority of the RTI. That appeal also has not been disposed off as yet.

3. However, the learned counsel for the petitioner now, after some arguments, seeks a direction to the Bihar Public Service Commission (respondent No. 3) for disposing off the representation, which has been made to the Commission also and which representation has been



addressed to the Examination Controller, Bihar Public Service Commission (respondent No. 6).

4. Though initially this Court was not inclined to interfere but after having taken note of the fact that result was published after two years of the holding of the examination and the insistence on the claim of the petitioner that she has not been marked properly and therefore low marks have been shown to have been obtained by her, this Court deems it appropriate, under the aforesaid circumstances to direct the petitioner to make a fresh representation before the Secretary, Bihar Public Service Commission (respondent No. 5), making a prayer for issuance of the concerned answer-book or at least allow her to see the answer-book and be made known the model answers on the basis of which she has been marked.

5. Should such an application be filed within a period of two weeks from today, the concerned respondent shall, after being satisfied about the reasons for the assessment of the petitioner and the right of an examinee to obtain answer- book along with model answers, shall dispose



off such representation within a further period of three weeks thereafter by a reasoned order. The concerned respondent is also directed to assess the genuineness of the claim of the petitioner and her right to get the answer-book on the ground that normally when results are published, the model answers are also uploaded. Should the concerned respondent find that model answers have already been uploaded, there would be no necessity of providing such model answers to the petitioner. However, if the claim of the petitioner is found to be tenable and within the rights of an applicant, the answer-book may be provided or the relevant answer-book be shown to the petitioner.

6. With the aforesaid observation/direction the writ petition is disposed off.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14/03/2019

