

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9793 of 2019

=====

Amardeep Lokpriya Son of Sri Dilip Kumar Singh Resident of Village and
P.S. Dhabouli, Distt- Saharsa, Presently residing at 11, Bank Colony, near
Baba Chowk, Keshri Nagar, P.s.- Patna, Distt. Patna, Bihar.

... .. Petitioner/s

Versus

1. The High Court of Judicature at Patna through the Registrar General.
2. The Selection and Appointment Committee Patna High Court, Patna through
the Registrar- Appointment Patna High Court, Patna.
3. The Registrar General Patna High Court, Patna.
4. The Registrar, Appointment Patna High Court, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Pankaj, Advocate
For the Respondent/s	:	Mr.Mrigank Mauli, Advocate
		Mr. Prince Kumar Mishra, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-06-2019

Learned counsel for the petitioner has advanced his
submissions with regard to the incorrectness or otherwise of the
questions and answers that have been detailed in paragraph 12
of the writ petition.



A counter affidavit has been filed on behalf of the respondents controverting the said allegations, more particularly pointing out that the petitioner has obtained 181 marks out of 300 and, therefore, he could not find place amongst the short-listed candidates as the cut-off marks for the unreserved category was 190.

Even assuming for the sake of arguments, if we proceed to test the validity or the correctness of the arguments advanced in respect of the questions and answers referred to by the petitioner, even then he will not be able to succeed after award of the appropriate marks.

We may also gainfully extract paragraph 5, 6 and 12 of the counter affidavit:

“5. That it is further stated that vide the said notice dated 03.04.2019, the candidates were also informed that due to inadvertence the question No.4 and two separate questions with their respective answers have been erroneously printed consecutively bearing the same Sl. No.98. The Hon’ble Selection & Appointment Committee resolved to award full marks to all candidates against the Question No.4 & 98, irrespective of the fact whether the candidates have answered the said questions correctly or even if not attempted. In response to, the notice inviting the objections, a number of candidates had filed their objections in respect of a number of questions and/or their model answers including the



questions mentioned in the writ application.

It is stated that no objection had been filed by the Petitioner pursuant to the notice dated 03.04.2019. Having failed to respond to the notice inviting objections, the petitioner is estopped from taking the kind of plea, which he is taking in the present proceeding.

6. That it is stated that upon the receipt of the objections from the candidates the same were placed before the Hon'ble Selection & Appointment Committee, in its meeting dated 11.04.2019, and wherein the Selection & Appointment Committee recommended for constitution of a Committee of Experts. It is further stated that the meeting of the Committee of Experts and Hon'ble Selection & Appointment Committee was jointly convened on 14.04.2019 for considering the objections raised by the candidates wherein all the objections filed by the candidates except for the objections against the model answers of questions at Sl. No.26 and 100 were unanimously rejected. It was resolved to correct the model answers for question at Sl. No.26 from 'a' to 'b' and for the question at Sl. No.100 it was corrected as 'd' instead of 'b'. It is stated that the objections suggesting those aforesaid answers, for Question No.26 & 100, were sustained and all other objections were overruled. The Hon'ble Committee was also pleased to observe as follows:

“the Committee while deciding the objections has taken into consideration the direction given at the start of the question paper that the nearest correct answer from amongst



the four answers given as option be selected.”

Accordingly a Notice with regard to the modification in model answer of the Preliminary Test was uploaded on the website of Patna High Court on 15.04.2019.

12. That in response to Paragraph No.10 it is stated that it is not correct to say that the petitioner had answered correctly 68 questions, as per the model answers. Further, the petitioner had wrongly answered 23 Questions instead of 22 as asserted in the writ petition. He had not answered at all, the remaining nine questions. It would thus be apparent that the petitioner scored 198 marks for the 66 right answers and was awarded the 6 additional marks for Questions No.4 & 98. Further, the petitioner was awarded 23 negative marks for 23 wrong answers. It is thus stated that the petitioner obtained a net of 181 marks (198+6-23=181).”

Consequently, it will be a futile exercise to enter into the submissions raised, more particularly keeping in view the fact that the High Court, on the administrative side, has considered all the objections and has arrived at a definite conclusion on the basis of the proposed key answers with which no fault can be found.

We, therefore, keeping in view the judgement of the Apex Court in the case of **Ran Vijay Singh and Ors. Vs. the State of U.P. & Ors.**, reported in **2018(1) PLJR (SC)184**



as well as the judgement of this Court in the case of **Ravindra Kumar Singh & Ors. vs. the High Court of Judicature at Patna**, reported in **2016(1) P.L.J.R. 865**, find no merit in this petition which is accordingly rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Saif/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	17.07.2019
Transmission Date	N.A.

