

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18186 of 2017

Prashant Kumar S/o Late Ashok Mehta, Resident of Makhania Kuan, Babu Tola Lane P.S.-Pirbahore, District-Patna. Petitioner/s

Versus

1. The State of Bihar
2. Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg, Bailey Road Patna-800001 through its
3. The Chairman Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg, Bailey Road Patna-800001
4. The Secretary, Bihar Public Service Commission, 15-Jawaharlal Nehru Marg Bailey Road, Patna.-80000
5. Sri Ram Nagesh Prasad Assistant Professor Department of Geography R.L.S.Y College, Bettiah West Champaran Pin Code- 845438Bihar.
6. Sri Navin Kumar Assistant Professor , Department of Geography J.L. College, Hajipur, Vaishali, Pin null null
7. Sri Jagriti Prabhat Assistant Professor, Department of Geography T.N.B. College, Bhagalpur Lower N
8. Ms. Arti Kumari Assistant Professor Department of Geography R.D. and D.J. College, Shastrinagar, Mun
9. Ms. Swati Sinha Assistant Professor Department of Geography V.B. Mahila College, Mirganj, Road, NH-
10. Sri Bolendra Kumar Agam Assistant Professor Department of Geography Raja Singh College, Andar Road null null
11. Sri Ravikant Anand Assistant Professor Department of Geography R.C.S. College, Manjhaul, Begusarai
12. Sri Shashi Bhushan Kumar Assistant Professor Department of Geography R.K. College, Madhubani, Rahi
13. Ms Meenakshi Assistant Professor Department of Geography R.L.S.Y College, Bakhtiyarpur, Pin Code-
14. Ms Rashmi Ranjana Assistant Professor Department of Geography Nalanda College, Biharsharif Garhpa null null
15. Ms Bhawna Assistant Professor Department of Geography Nalanda College, Biharsarif Pin Code- 80311
16. Ms Animka Assistant Professor Department of Geography S.H. College, Hilsa Nalanda, Pin Code Veer
17. Mr. Sandeep Sagar Assistant Professor Department of Geography H.D. Jain College, Bhojpur Ara, P
18. Sri Sailesh Kumar Assistant Professor, Department of Geography S.V.P. College, Bhabhua Kaimur, P

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Sinha
For the Respondent/s	:	Mr.Madhaw Prasad Yadav -Gp23
For BPSC	:	Mr. Sanjay Pandey



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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

9 22-07-2019 The only issue involved in the present writ application is whether the petitioner has to suffer for the mistake committed by the BPSC in awarding marks. It is admitted by the BPSC vide Annexure-C in the counter affidavit that petitioner was entitled to additional marks for obtaining the M. Phil degree. Four marks was awarded to others but the petitioner was granted only two marks. In the the letter dated 23.2.2018 addressed to Principal Secretary of the Education Department request was made to accommodate the petitioner by creating additional post in the reservation category of petitioner.

In the circumstances when admittedly the petitioner is entitled to award 80 marks whereas last candidate recommended has secured 79 marks, the respondents have to adopt corrective measure and consider the case of the petitioner either by creating additional post or by making room for the petitioner in BC category by ousting the person who is below in the merit list recommended for the post as petitioner cannot be made to suffer for the mistake or illegality committed by the BPSC.

Necessary corrective decision may be taken by the respondent Principal Secretary, Education Department, Government of Bihar after opportunity of hearing to



the candidate who was recommended for such post, ignoring the marks of this petitioner.

Corrective measure in this regard may be taken by the respondent Principal Secretary within a period of 30 days from the date of receipt/production of a copy of this order in view of Annexure-C that petitioner has secured 80 marks whereas last candidate recommended having 79 marks,the respondents have to act accordingly.

(Anil Kumar Upadhyay, J)

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