

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1522 of 2018

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Kunal, S/o Late Harihar Prasad Jha, Permanent resident of Mohalla -
Mundichak, P.S. Tilkamanjhi, P.O. - G.P.O., Bhagalpur, District - Bhagalpur,
at present residing at House No. 47, Savita Sada, Road No. 15, East Indrapuri,
P.S. Patliputra P.O. Keshri Nagar, Patna - 800024.
... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar, Main Secretariat, Patna
2. The Principal Secretary, General Administration Department, Government of Bihar, Main Secretariat, Patna
3. Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Patna through its Chairman.
4. The Chairman, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Patna.
5. The Secretary, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Patna.
6. The Additional Secretary-cum-Examination Controller, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Patna
... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Purushottam Kumar Jha, Advocate
For the BPSC : Mr. Lalit Kishore, Senior Advocate
Mr. Satyabir Bharti, Advocate
For the State : Mr. P.K. Verma, AAG-3
Mr. S.K. Sharma, A.C. to AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-01-2019

Re: I.A. No. 8102 of 2018

Heard Shri Purushottam Kumar Jha, learned counsel for the appellant, Shri Lalit Kishore, learned Senior Counsel for the Bihar Public Service Commission and Shri P.K. Verma, learned Additional Advocate General No. 3 for the State of Bihar.

2. The appeal is reported to be delayed by 113 days.

3. We have considered the affidavit filed in support of the delay condonation application and we find that sufficient cause has been shown to condone the delay in filing the appeal. The delay is condoned and the appeal shall be treated to be within time.

4. I.A. No. 8102 of 2018 stands allowed accordingly.

Re: L.P.A. No. 1522 of 2018

The issue had been heard by us on 25th January, 2019 and we had requested the learned counsel to advance his submissions in the light of the judgment of the Apex Court referred to in the impugned judgment.

2. Learned counsel for the appellant has urged that



keeping in view the omnibus pattern of the 5th option of the Model Answers in respect of all the questions, it is evident that it reflects non-application of mind and even otherwise the option given is not commensurate to the question framed. He, therefore, basically challenges nature of the option provided which otherwise does not disentitle the petitioner for award of marks in respect of the questions that have been attempted by him.

3. In the case of **Ran Vijay Singh and others Vs. State of Uttar Pradesh and others**, reported in (2018) 2 SCC 357 the Apex Court in Paragraph 32 of the report has categorically ruled that it is rather unfortunate that despite several decisions of the Apex Court there is interference by the Courts in the results of examinations, particularly with regard to the nature of correct questions and answers.

4. In the light of the observations made by the Supreme Court, this Court finds it unable to entertain this appeal on the grounds taken before us keeping in view the observations made by the Supreme Court referred to hereinabove. We are, therefore, not inclined to entertain this appeal in view of what has been concluded by us hereinabove and the decision of the learned Single Judge does not call for any interference.



5. The Letters Patent Appeal stands dismissed accordingly.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-Jagdish

AFR/NAFR	
CAV DATE	
Uploading Date	30.01.2019
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