

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13076 of 2019

=====

Ram Naresh Chaudhary Son of Ram Khelawan Chaudhary, House No. 60,
Second Floor, Nagloi Extension-3, P.S. Nagloi, District- West Delhi- 110041,
Permanent Address- Vill and P.O.- Sobhandih, Block- Khanpur, District-
Samastipur- 848117

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Bihar Public Service Commission, Bailey Road, Patna, through the Secretary.
4. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.
5. The Joint Secretary Cum Examination Controller, Bihar Public Service Commission, Bailey Road, Patna.
6. The Chancellor of the Universities, Raj Bhawan, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Chakrapani Mr. Madhuresh Singh
For BPSC	:	Mr. Sanjay Pandey
For the Respondent/s	:	Mr.Umesh Narayan Dubey (Gp27)

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 17-09-2019 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.

2. The counter affidavit filed on behalf of the BPSC is

the admission on the part of the BPSC that there was error in

evaluation of marks of the petitioner for academic.

3. The relevant part of the counter affidavit of the

BPSC is quoted below:-

**“13. That with regard to the statements
made in para-10 to 14 and 19 to 21 of the writ**



petition, it is humbly submitted that the academic marks calculated and awarded to him is as--

	Total Marks	Obtained marks	Percentage of marks	Marks awarded by Commission
Matric	700	425	60.71	7.20
Intermediate	900	510	56.67	6.40
Graduation	1000	627	62.70	19.00
Post Graduation	10	CGPA 7.19	00.00	17.25
Interview Marks	15	---	---	05
			Total	54.85

Information of his marks was sent to him vide commission’s letter no. 884 dated 20.5.2019.

14. That it is stated and submitted that the Commission has considered the case/claim of the petitioner and it was found that the petitioner had secured CGPA 7.19 in M.A. from Banaras Hindu University in 2009 which is equal to 71.90 percentage of marks as per the report of the Expert Committee with respect to the matter of other advertisements. As per the terms and conditions of the advertisement, the petitioner’s CGPA 7.19 is 71.90% (7.19X10) which is 27.75 marks as per the conversion formula but due to typing error, he was awarded 17.25 for 71.90 % marks for M.A. Therefore, his total marks goes to 65.35 from 54.85 and in such situation his marks is above the cut-off marks 60.95 of EBC (04) category. Thus, the petitioner comes under the zone of selection.

15. That it is further stated that in such situation, the Commission has requested the Education Department, Government of Bihar vide its letter no. 1181 dated 14.08.2019 to make available one (01) POST OF Extremely Backward Class (04) in JPU, Chapra or any other University to adjust the petitioner accordingly.”

4. In view of the admission on the part of the BPSC



the petitioner is well within the zone of consideration for selection.

5. Mr. Sanjay Pandey, learned counsel appearing on behalf of the BPSC has informed the Court that BPSC has requested the Education Department for appropriate corrective measures to adjust the petitioner.

6. In view of the admitted factual position which has emerged from the counter affidavit of the BPSC, the Education Department is hereby directed to take appropriate corrective measures to adjust the petitioner at the earliest so that the petitioner may not be subjected to any adverse consequences in the matter of appointment, seniority and all consequential benefits. The respondent Education Department shall consider the merit and choice the petitioner in terms of rectification in the calculation of marks of the petitioner by the BPSC and follow up request to the Education Department for corrective measure.

7. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

U			
---	--	--	--

