

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13177 of 2019

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1. Nahid Afshan D/o M.N. Rahman Resident of R.D. Mansion, Aashiyana Road, B.V. College, P.S.- Shastrinagar, Distt.- Patna
 2. Shailendra Kumar Suman S/o Chuman Mandal, Resident of Bhatkhora, P.S.- Murliganj, Distt.- Madhepura
 3. Mithilesh Kumar S/o Mahaveer Prasad Resident of Ratanpatti, P.S.- Murliganj, Distt.- Madhepura
 4. Kalanand Mandal S/o Chumman Lal Mandal Resident of Bhatkhora, P.S.- Murliganj, Distt.- Madhepura
 5. Sudhir Ram S/o Devendra Ram Vill.- Gangapur, P.S.- Prahladpur, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Bihar Public Service Commission through its Chairman
3. The Principal Secretary, General Administrative Department, Govt. of Bihar, Patna
4. The Chairman Bihar Public Service Commission, Patna
5. The Secretary Bihar Public Service Commission, Patna
6. The Examination Controller Chairman, Bihar Public Service Commission, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs. Soni Shrivastava, Advocate
For the Respondent/s	:	Mr. P.K. Verma (AAG-3)
For the BPSC	:	Mr. Satyabir Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 24-07-2019

Heard learned counsel for the parties.

2. The writ petitioners are unsuccessful candidates who had appeared for the Preliminary Test conducted by the Bihar Public Service Commission for 64th Bihar (Preliminary) Combined Competitive Examination. The writ petitioners have prayed for issuance of mandamus against the respondents



directing the respondents to re-evaluate their answer sheets wherein certain suggested answers were found wrong. Other prayers are ancillary to grant of the aforesaid relief which includes quashment of the result of Preliminary Test dated 24.02.2019, issuance of mandamus to the respondents restraining them from proceeding with the main examination, quashment of notices and advertisement dated 07.03.2019 and 08.06.2019 whereby the Commission has communicated the instructions and schedule for filing of the form for participation in the main written examination.

3. Submission of the petitioners is that after preliminary examination on 16.12.2018, the respondent Bihar Public Service Commission uploaded the answer key of the questions of preliminary examination and objections were invited from the candidates. Many objections were raised by the students including some of the petitioners with regard to the correctness of some of the suggested answers. However, the result of the preliminary examination was published on 24.02.2019. Out of total 150 questions the Commission deleted three questions as their answers were dubious and for 147 questions marks were awarded though some of the answers were wrong.



4. It appears that some other candidates who had appeared and were declared unsuccessful in the preliminary examination had approached this Court with similar grievance in CWJC No.6030 of 2019 and learned Single Judge dismissed the application after hearing the parties on merit and noted following facts of the case:

“The Commission for the purpose of evaluation had got prepared a model answer key by the question setters. After the preliminary examination, the model answer key was uploaded on the website on 26.12.2018 and objections were invited from the candidates who participated in the selection process. Objections submitted before the last date, i.e., 07.01.2019 were considered by the expert committee constituted by respondent Commission. The expert committee modified/corrected the model answer key in respect of eight questions. In respect of three questions expert committee was of the opinion that correct answer options were not available or that the questions answers were likely to cause confusion to examinees and on such grounds three questions were deleted from the process of evaluation. The report of the expert committee, was thereafter approved by the Full Commission in its meeting dated



31.01.2019. Accordingly, answer sheets were evaluated. Result was published on 23.02.2019 declaring 19109 candidates successful in the general category who had secured the cut off marks, i.e., 97 or more.”

5. After noticing the fact that the Commission had adopted all the precautionary major so that no grievance should be left for any of the candidates nor their valuable rights should be infringed, the Court dismissed the aforesaid writ application. The same was challenged by one of the petitioners in LPA No.798 of 2019, which was dismissed by a Division Bench of this Court considering the fact that the learned Single Judge had taken every care to look into every aspect of the matter, leaving no scope for interference in appeal.

6. In view of the factual position aforesaid that identical matter has already attained finality against the identical petitioners raising similar grievance, this Court is not inclined to interfere with the matter.

7. Accordingly, this application stands dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2019
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