

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.47 of 2018

In
Civil Writ Jurisdiction Case No.7576 of 2017

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Naseem Ahmad S/o Sri Saghir Ahmad Resident of Village-Karmaini Bazar,
P.O.-Chandraota, P.S.- Patherwa, District-Kushinagar U.P.

... .. Appellant/s

Versus

1. The Bihar Public Service Commission through its Secretary, 15 Jawahar Lal Nehru Marg, Baily Road, Patna
2. The Chairman, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg Bailey Road, Patna.
3. The Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg, Bailey Road, Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Shekhar Singh, Advocate Mr. Uday Pratap Singh, Advocate Mr. Sumit Kumar, Advocate
For the BPSC	:	Mr. Sanjay Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-04-2019

Heard learned counsel for the appellant.

2. The contention raised is that three questions of 'C' Series paper were wrongly framed and as a matter of fact, the said three questions seriously prejudices the right of the appellant as he has missed the qualifying examination by only two marks. Paragraph 10 of the writ petition narrates that the three questions at Serial Nos. 33, 68, 82 of the Question Booklet 'C' Series are incorrect and wrong. The affidavit nowhere



explains as to in what manner is the said questions wrong or what would be the possible correct answer even though the representation delineates on the same. Nonetheless, the respondent Commission came up with a case that four questions of Booklet Series 'A' namely, Question Nos. 43,92, 116 and 140 were deleted after objections were filed and the corresponding questions in the rest of the series of question-papers have also been deleted.

3. Admittedly, the appellant did not file any objection. Thus, no prejudice was complained of when an opportunity was tendered by the respondent Commission for filing of objections. The writ petition also does not explain the exact nature of the prejudice, even though the representation makes an allegation to that effect. There is also no recital that the questions which have been deleted in 'A' Series do not correspond to the questions of the 'C' Series about which the complaint has been made by the appellant.

4. Last but not the least, Shri Pandey, learned counsel for the Commission informs that this is a dispute relating to the preliminary test examinations, whereas the final examinations have already been held, the results have been declared and appointments have already been made.



5. In the said background, we are not inclined to entertain this appeal on the issue so raised, which is hereby consigned to records.

(Amreshwar Pratap Sahi, CJ)

(Partha Sarthy, J)

sushma/-

AFR/NAFR	NAFR
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