

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9328 of 2017

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Bhushan Kumar son of Shankar Prasad, Resident of Village- Simra,
Mahmadpur, P.S. Janipur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Home Department, Bihar, Patna.
3. The Deputy Inspector General, Prisons and Reform Services, Bihar
Department of Home (Prisons), Bihar, Patna
4. The Chairman, Central Selection Board Council (Constable Recruitment),
Sri Sai Tara Complex, I.A.S. Colony, Jawaharlal Nehru Marg, Patna
5. The Secretary, Central Selection Board Council (Constable Recruitment),
Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajendra Kumar Jain, Advocate
For the State	:	Mr.Manish Kumar, GP-4
For CSBC	:	Mr. Sanjay Pandey, Advocate
		Mr. Binod Kr. Mishra, Advocate
		Mr. Vivek Anand Amritesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

8 02-09-2019 Heard learned counsel for the parties.

2. This writ application has been filed seeking direction to the respondents to appoint the petitioner against the post of Assistant Jailor on the basis of his performance in the written examination conducted by the Central Selection Board Council (Constable Recruitment), Patna (hereinafter referred to as 'the Board').

3. The controversy, in the present case, is confined to the only dispute in respect of the marks which the



petitioner has scored in the written examination held by the Board. It is the petitioner's case that he had scored 256 marks in the written examination and 210 marks being the cut off for general category candidates, he ought to have been declared successful.

4. A counter affidavit has been filed on behalf of the Board. It has been specifically stated in paragraph-13 thereof that the petitioner had scored 128 marks, much below the cut-off-marks of 210.

5. A supplementary counter affidavit has also been filed on behalf of the Board stating that the petitioner had approached the institution of Lokayukt of State of Bihar. A report was called for by the institution of Lokayukt from the Board on the petitioner's complain and the petitioner's complaint has been dropped after having perused the report, by the learned Member, Institution of Lokayukt. A copy of the petitioner's OMR sheet has also been brought on record by way of Annexure-E series to the supplementary counter affidavit filed on behalf of the Board.

6. In the background of clear stand taken by and on behalf of the Board that the marks scored by the petitioner in the written examination was 128, much less



than the cut-off-marks, I do not feel inclined to interfere in the matter, exercising power of judicial review under Article 226 of the Constitution of India.

7. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

Rajesh/-

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