

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8289 of 2020

Shafique Alam, Son of Mr. Manzoor Alam, Residing at 317/22, Second Floor, Madrsa Street, Zakir Nagar, Jamia Nagar, South Delhi- 110025, as also in the house of Mr. Noorul Basar, Chaudhary Hotel Lane, North-West Devi Sthan, Samanpura, Rajabazar, P.O. B.V. College, Patna- 800014, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Bihar Public Service Commission, through its Secretary, 15, Jawahar Lal Nehru Marg (Bailey Road), Patna- 800001.
3. The Chairman, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg (Bailey Road), Patna- 800001.
4. The Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg (Bailey Road), Patna- 800001.
5. Aleena Ali Malick Daughter of at present not known to this petitioner but selected candidate having Roll No. 46011749 and Posted at Jai Prakash University, Chapra as Assistant Professor (Urdu).
6. Sajjad Akhtar Son of at present not known to this petitioner but a selected candidate having Roll No. 46010402 and posted at Bhupendra Narayan Mandal University, Madhepura as Assistant Professor (Urdu).
7. Abdul Khalikh Syed Son of at present not known to this petitioner but a selected candidate having Roll No. 46012359 and posted at Jai Prakash University, Chapra as Assistant Professor (Urdu).
8. Tanzeel Ather Son of at present not known to this petitioner but a selected candidate having Roll No. 46010019 and presently posted at Bhupendra Narayan Mandal University, Madhepura as Assistant Professor (Urdu).
9. Md. Jamal Mustafa Son of at present not known to this petitioner but a selected candidate having Roll No. 46011561 and presently posted at Magadh University, Bodh Gaya as Assistant Professor (Urdu).
10. Sarvar Mahdi Son of at present not known to this petitioner but a selected candidate having Roll No. 46011271 and presently posted at Bhupendra Narayan Mandal University, Madhepura as Assistant Professor (Urdu), and
11. Md. Amjad Hayat Berque Son of at present not known to this petitioner but a selected candidate having Roll No. 46011782 and presently posted at Bhupendra Narayan Mandal University, Madhepura at Assistant Professor (Urdu).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Ravish, Advocate
For the Respondent/s	:	Mrs. Binita Sigh, Sc-28
		Mr. Sanjay Pandey, Advocate



CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 16-10-2020 Heard learned counsel for the petitioner, State and the
B.P.S.C.

Mr. Kumar Ravish, learned counsel for the petitioner submits that the grievance of the petitioner in the present writ application relates to error in calculation of marks on evaluation of different certificates. He further submits that the petitioner has been awarded 75.90 marks whereas cutoff mark was 76.65. He further submits that if the errors are rectified, the petitioner may be awarded two additional marks, which will take the petitioner to the position of 77.20 marks.

Considering the aforesaid submission, the writ application is disposed of with a direction to the BPSC to examine the claim of the petitioner and if it is found that there is error in calculation of marks, they will rectify the marks of the petitioner, otherwise they will assign the reason for awarding the marks in the Intermediate and Graduate standard in the process of selection pursuant to Advertisement no.46 of 2014 published in 2019 for the post of Assistant Professor (Urdu).

Necessary decision in this regard must be taken by the respondent B.P.S.C. at the earliest preferably within a period of 60 days from the date of receipt/production of a copy of this



order.

In the event, the petitioner succeeds, the respondents will adopt corrective measures in the recommendation. However, before replacing any person on account of revision of merit list, the respondents are required to provide opportunity of hearing to the person likely to be affected/replaced after fresh decision with regard to the petitioner. The direction also binds the State in the matter of appointment.

The writ application accordingly stands disposed of.

(Anil Kumar Upadhyay, J)

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