

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8324 of 2020

1. Khyati Sinha, Female, aged about 30 years, Daughter of Shri Sunil Kumar Sinha Resident of Flat No. 201, Harsh Raj Apartment, Ranipokhar, Near Pani Tanki, P.O.-Baadhmara, Bokaro Steel City, District-Bokaro, Jharkhand-827009.
2. Sujit Kumar, Male aged about 29 years, Son of Shri Suresh Kumar Yadav, Resident of Gosai Tola, P.O. and P.S.-Patliputra, Patna-800013.

... .. Petitioner/s

Versus

1. Bihar Public Service Commission through the Chairman, 15, Jawaharlal Nehru Marg (Baily Road) Patna-800001
2. Bihar Public Service Commission, through the Joint Secretary-Cum-Examination Controller, 15, Jawaharlal Nehru Marg (Baily Road) Patna-800001
3. The Registrar General, Patna High Court, Jawaharlal Nehru Marg, Veerchand Patel Road Area, Patna, Bihar 800028
4. The State of Bihar, through the Principal Secretary, Home Department, Government of Bihar, Patna.
5. The Transport Commissioner, through the Secretary, Vishwesaraiya Bhawan, Bailey Road, Patna-800015.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Apurv Harsh
For the Respondent/s : Mr.Lalit Kishore (AG)

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 25-11-2020

Heard Mr. Apurv Harsh, learned counsel for the petitioner, Mr. Sanjay Pandey, counsel for the B.P.S.C. and Mr. Piyush Lall, representing the Patna High Court.

The present case is, by and large, in the nature of public interest litigation though the petitioners have to appear in the



examination to be conducted for the purpose of selection of Judicial Officers against the Advertisement No. 04 of 2000.

In the present writ application, the basic issue has been raised by the petitioner that as there is a pandemic, the time decided for holding the preliminary test examination on 6.12.2020 be extended as it is not conducive and suitable time for conducting the examination and he has drawn attention of this Court towards the order dated 22.9.2020 passed by the Hon'ble Apex Court in the case of Malik Mazhar Sultan & Anr. Vs. U.P. Public Service Commission & Ors. and has drawn attention to the different paragraphs of the order. In the aforesaid order, the Hon'ble Apex Court has examined the situation of pandemic in different states specially in Madhya Pradesh and the Uttar Pradesh. At that time, the time was extended for conducting the examination on account of erstwhile situation of the pandemic. The date of preliminary examination was fixed on 30.9.2020 but, due to increase in the number of affected persons, a request was made from the High Court Bar Association on 29.8.2020 seeking postponement of the examination. The examination was to be conducted in Bhopal, Indore, Gwalior and Jabalpur.

Looking to the entire fact and circumstances, the interlocutory application was allowed permitting the Examination



Committee of the Madhya Pradesh High Court to review the situation once in a month and take a decision to conduct the above examination. The first of such review is to be conducted in the 1st week of November, 2020. The High Court may endeavour to hold the examination as soon as the situation becomes conducive and the time-schedule shall stand extended accordingly.

It is to be noted that in the State of Bihar, recently the Election Commission has conducted the election of Legislative Assembly and large number of voters of this State have participated in the election process. At the same time, we cannot ignore the fact that the NIT examination and other competitive examinations have also been conducted peacefully and properly and, in the present case, the date for preliminary examination has already been extended and has been fixed on 6.12.2020. In this case, one of the petitioner, namely, Khyati Sinha is the resident of Bokaro Steel City, Bokaro, Jharkhand and the another writ petitioner, namely, Sujit Kumar is the resident of Patna itself. When this Court has asked the learned counsel for the petitioners about the writ petitioner Sujit Kumar as to whether he has participated in the election process or not, he has replied that certainly he must have participated in the election process.



It does not stand to the reason that when the people of this State have already celebrated different festivals including Chhat Puja and have also participated in the election process of Legislative Assembly, it does not stand to our reason why these two petitioners would not like to participate in the preliminary examination. None else except two applicants have approached this Court for extension of date of preliminary examination, it will be travesty of justice to extend the date of examination.

This Court does not find any merit in this writ application and the same is dismissed.

(Shivaji Pandey, J)

(Partha Sarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.11.2020
Transmission Date	

