

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21510 of 2019

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Dharmendra Kumar Pal, Son of Kamla Kant Pal, Resident of Village-
Sarangpur, P.S.- Durgawati, District- Kaimur.

... .. Petitioner/s

Versus

1. Bihar Police Awar Sewa Aayog, Patna through its the Chairman.
2. The Chairman, Bihar Police Awar Sewa Aayog, Patna.
3. The Secretary, Bihar Police Awar Sewa Aayog, Patna.
4. The Examination Controller, Bihar Police Awar Sewa Aayog, Patna.
5. The State of Bihar through the Principal Secretary and Personal Administrative Department, Govt. of Bihar, Patna.
6. The Principal Secretary & Personal Administrative Department, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Deepak Kumar Sinha, Adv.
For the BPSC	:	Mr.Kunal Tiwary, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 20-02-2020

Heard learned counsel for the parties.

2. The petitioner is seeking cancellation of the final result published by Bihar Police Subordinate Service Selection Commission, Patna (hereinafter referred to as ‘the Commission’) pursuant to Advertisement No. 01/2018 for filling up the posts of Steno Assistant Sub-Inspector of Police. The petitioner is also seeking a direction to the Commission to conduct physical efficiency test and computer test examination of the eligible successful candidates, after cancelling the result in question.



3. It is the petitioner's case that the process of selection was initiated with the issuance of advertisement. One of the requirements for selection was conducting physical efficiency test of the candidates selected on the basis of Written (Mains) Examination. It is also the petitioner's case that knowledge of computer was one of the requirements and, therefore, the advertisement had prescribed for a test to evaluate workable knowledge of computer of the candidates. It is the petitioner's case that no such test was held.

4. A counter affidavit has been filed on behalf of the Commission along with which the rules governing recruitment and service conditions of Bihar Police Stenographers Cadre Rules, 2017 has been brought on record. It is the case of the Commission that the rules did not prescribe for any Physical Efficiency Test and it was out of inadvertence that in the advertisement a provision was made for holding Physical Efficiency Test also. This is not in dispute that Physical Efficiency Test of the candidates was not held and the result has been published on the basis of score in the Written (Mains) Examination.

5. Learned counsel appearing on behalf of the petitioner has argued that since, admittedly, the advertisement is not in conformity with the rules, the entire result, based on such



advertisement, has become vulnerable and requires this Court's interference.

6. In the counter affidavit filed on behalf of the Commission, it has been stated that though the petitioner had cleared preliminary examination, he was not successful in the Written (Mains) Examination held by the Commission. The said averment that petitioner was not declared successful on the basis of Written (Mains) Examination, has not been disputed.

7. Learned counsel appearing on behalf of the Commission has submitted that the petitioner has no *locus standi* to question the correctness of the result on the ground that no Physical Efficiency Test was held for the reason that Physical Efficiency Test was to be held, even in terms of the advertisement, of such candidates who had qualified in Written (Mains) Examination. Since the petitioner did not qualify in the Written (Mains) Examination, no prejudice can be said to have been caused to him because of non-holding of Physical Efficiency Test. He has argued that workable knowledge of computer of the persons, who had qualified in Written (Mains) Examination, was tested and accordingly those, who were found having workable knowledge, have been selected and result has accordingly been published. He has argued that since there was no provision under



the rules to hold physical efficiency test, the Commission decided not to put the successful candidates to the said test, in accordance with the rules.

8. In my view, the petitioner has no *locus standi* to question the result published by the Commission on the ground that no Physical Efficiency Test was held or on the ground that adequate test to test the computer knowledge of candidates successful in the Written (Mains) Examination was not conducted for the reason that the petitioner did not qualify for the tests. The only such candidates, who had cleared Written (Mains) Examination, could be allowed to participate in the said two tests, had such tests been held.

9. In my view, this application has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.02.2020
Transmission Date	NA

