

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6594 of 2020

Pramod Kumar, Son of Shri Ramrup Ram, Resident of Village - Gahna,
Police Station - Haspura, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administrative Department, Government of Bihar, Patna.
3. The Chairman, Bihar Staff Selection Commission, Bihar, Patna.
4. The Secretary, Bihar Staff Selection Commission, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra
For the Respondent/s	:	Mr. Md. N. H. Khan (Sc1)
For the Respondent No. 3 & 4 :		Mr. Jitendra Kumar Rai, Advocate
For the State	:	Ms. Babita Kumari, Ac to Sc-1

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 20-12-2021

Heard learned counsels for the respective parties.

In the instant petition, petitioner has prayed for the following reliefs:

“ I. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to provide the original certified copy of the question booklet as well as answer key for Civil Engineering Examination under Advertisement no. 0411 for the post of Junior Engineer Civil with respect to the petitioner bearing his roll no. is 31804417 so that the petitioner might compare the same and get justice for his selection as junior Engineer Civil.

II. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to re-evaluate the answers of the



petitioner and declare him successful, as the petitioner belongs to schedule caste category and the cut-off marks in general category is 65.6% out of 200 marks and the petitioner has secured 95.04% marks but he has been declared unsuccessful only by 0.2%, which is not just and proper and, hence, the respondent authorities concerned may kindly be directed to publish the result of the petitioner showing him successful for the post of Junior Engineer (Civil) under advertisement no. 0411/2011 bearing his roll no. 31804417.

III. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to dispose of the representation of the petitioner by reasoned and speaking order by ventilating genuine grievance of the petitioner for his selection as Junior Engineer (Civil), without any further delay.

IV. For issuance of any other writ/writs, Order/Orders, direction/directions for which the petitioner would be entitled in the facts and circumstances of the present case.”

Petitioner's grievance is stated to be similar to the order passed in Manoj Kumar Mandal and Vijay Kumar in CWJC No. 1104 of 2020 and 1227 of 2020 respectively decided on 03.02.2020.

Having regard to the grievance of the petitioner that he wanted question paper book and answer booklet in respect of Civil Engineer examination for the post of Junior Engineer Civil. He has not appreciated that he has a vested right and any provision of law. In the absence of vested right, petitioner is not entitled to writ of mandamus from this Court. Apex Court in the case of ***Mani Subrat Jain Etc. Vs. State of Haryana and Ors.*** Reported in



A.I.R. 1977 SC 276 interpreted Article 226 in respect of writ of mandamus. In the said decision it is noticed that two ingredients were required to be taken note. The two ingredients are vested right/statutory right followed by demand before the competent authority. The petitioner has not pointed out vested right that he is entitled to question booklet and answer-sheet in respect of selection and appointment to the post of Junior Engineer Civil.

The cited decision does not assist the petitioner since the petitioner therein has not pointed out vested right for the purpose of claiming question booklet and answer-sheet in respect of particular selection. Thus, the petitioner has not made out the case.

Accordingly, the present petition stands disposed off, reserving liberty to the petitioner to pursue remedy under RTI.

(P. B. Bajanthri, J)

Gaurav Kumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

