

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8102 of 2021

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Pintoo Kumar S/o Ramakant Mahto resident of Ward No. 4, Bamaia Harlal,
Dalsinghsarai, P.O. and P.S. Dalsinghsarai, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Bihar Public Service Commission, through its Secretary, 15 Jawahar Lal Nehru Marg (Bailey Road), Patna- 800001 (Bihar).
3. The Chairman, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg (Bailey Road), Patna- 800001 (Bihar).
4. The Joint Secretary-Cum- Examination Controller, Bihar Public Service Commission at 15, Jawahar Lal Nehru Marg (Bailey Road), Patna- 800001 (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanchay Srivastava Advocate
For the Respondent/s	:	Mr. Sc-8
For the B.P.S.C	:	Mr. Sanjay Pandey, Advocate
	:	Mr. Nishant Kumar Jha, Advocate

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

Date : 08-12-2021

Heard learned counsels for the parties.

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

“(i) For issuance of an appropriate writ order/direction(s) in the nature of Certiorari for setting aside the result of mains examination dated 24.01.2021 issued by Bihar Public Service Commission for Advertisement no. 02/2017 for the posts of Assistant Engineer on the ground that adequate norms for calling for interviews are not followed by the respondents concerned.



(ii) For issuance of an appropriate writ order/direction(s) in the nature of Certiorari for setting aside the result of mains examination dated 24.01.2021 issued by Bihar Public Service Commission for Advertisement no. 02/2017 for the posts of Assistant Engineer, so as to enable and call for interview the disabled category students to the extent of 2.5 times the sanctioned vacancies of the said category;

(iii) For issuance of an appropriate writ order/direction(s) in the nature of mandamus for a direction to the concerned Respondents specially the Respondent Nos 2, 3 and 4 to call the petitioner for interview if he falls within 2.5 times of the sanctioned seats against the disabled category on the ground that the respondents have blatantly ignored the Equality Clause by calling for interview the other category students (General, OBC, SC, ST, EBC etc.) over and above 2.5 times the sanctioned vacancies but for the disabled category only 52 students have been called for interview against 52 sanctioned vacancies;

(iv) For issuance of an appropriate writ order/direction(s) in the nature of Mandamus for a direction to the concerned respondents to allow the petitioner to appear and participate in the interview for the Advertisement No. 02/2017 (Assistant Engineer, Civil competitive examination) being conducted by the Bihar Public Service Commission till the final outcome of the present matter

(v) For issuance of an appropriate writ order/direction(s) in the nature of Mandamus for a mandatory injunction commanding the



concerned respondents to forthwith extend the last date of interviews so as to enable the petitioner to appear for the aforesaid interviews.

(vi) For issuance of an appropriate writ order/direction(s) in the nature of Mandamus for a direction to the concerned respondents to put ad-interim ex parte stay over the interview process for the aforesaid examination till the final outcome for the present case;

(vii) For issuance of an appropriate writ order/direction(s) in the nature of Mandamus for a direction to the concerned respondents to keep a seat vacant/reserved for the petitioner against the Assistant Engineer, Civil Competitive Exam on the ground that irreparable harm would be suffered by the petitioner if the respondents proceed with the interview process & keeping the petitioner excluded in appearing for interviews and further if they proceed with declaration of final results without giving opportunity to the petitioner to appear in aforesaid interviews.”

During pendency of the present petition, result of mains examination was notified on 24.01.2021, pursuant to the Advertisement no. 02/2017 by the Bihar Public Service Commission. In the guise of challenging to the final result of the mains examination dated 24.01.2021, the petitioner is required to make additional statement of facts, additional grounds, additional prayer so also impleading such of those persons whose names are reflected in the final result examination. It would be clumsy if



petitioner is permitted to amend the petition as he is required to file I.A for amendment of petition, I.A. for impleading additional respondents and further amended petition. In order to avoid the aforesaid procedure, the present petition stands disposed of reserving liberty to the petition to file a fresh petition.

(P. B. Bajanthri, J)

Gaurav Kumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

