

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10650 of 2021

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1. Rajnish Kumar, son of Sukeshwar Prasad, resident of Alipur Bihta, P.S. - Jalimpur, District- Patna.
 2. Krityanand Azad, son of Maheshwari Sah, resident of village - Mahadevapur, Tarar, District- Bhagalpur.
 3. Shafaqat Sanchez Shaftawi, Daughter of Md. Sharafuddin Abul Faizal, resident of Faizal Manzil, Sadar Chowk, Dehri - on- Sone, P.S. - Dehri, District- Rohtas.
 4. Govind Tripathi, son of Dina Nath Tripathi, resident of Sant Nagar, P.S. - Burari, District- North Delhi (Delhi).
 5. Dheeraj Kumar, son of Pradeep Kumar, resident of Village Baraichak Patam, P.S. - Naya Ramnagar, District- Munger.

... .. Petitioner/s

Versus

1. The Bihar Public Services Commission through its Chairman, Jawaharlal Nehru Marg, Patna.
2. The Chairman, Bihar Public Service Commission, Jawaharlal Nehru Marg, Patna.
3. The Secretary, The Secretary, Bihar Public Service Commission, Jawaharlal Nehru Marg, Patna.
4. The Joint Secretary - cum- Examination controller, Bihar Public Service Commission, Jawaharlal Nehru Marg, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Prashant Sinha, Advocate
For the Respondent/s	:	Mr. Lalit Kishore, Sr. Advocate
		Mr.Sanjay Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 12-07-2021 The matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

2. The present writ application has been filed by five petitioners who were applicants of 66th Combined Competitive Preliminary Examination held by Bihar Public



Service Commission (hereinafter referred to as 'the Commission'). They belong to various categories other than Backward Class (BC) category. They have raised a grievance that in the result of preliminary test held by the Commission, candidates, 17.14 times of the number of vacancy reserved for BC category, have been declared successful, whereas ratio in respect of other categories is substantially low. In the said background, the petitioners are seeking a direction to the Commission to revise the result of said preliminary examination by providing equal ratio of such successful candidates in each category in accord with the number of vacancy for each category.

3. A counter affidavit has been filed on behalf of the Commission stating therein that number of candidates qualified in each category is different in ratio due to availability of different number of seats for such categories, coupled with the fact that number of candidates obtained equal marks to the cut-off-marks in each category. The Commission has placed, in form of a table, in the counter affidavit showing the number of extra candidates having obtained equal marks to the cut-off-marks against various categories. In respect of BC category, it appears that there were 70 seats reserved for the



said category and 1199 have been declared successful. Last column of the said table depicts that 499 candidates belonging to BC category have secured equal marks to the cut-off-marks.

4. Mr. Prashant Sinha, learned counsel appearing on behalf of the petitioner has argued that the Commission ought to have adopted a procedure so as to ensure that equal proportion of candidates could be declared successful on the basis of preliminary examination for participating in the main examination. According to him, the procedure adopted by the Commission is hit by Articles 14 and 16 of the Constitution of India.

5. Mr. Lalit Kishore, learned Senior Counsel appearing on behalf of the Commission, on the other hand, has submitted that the Commission has adopted a uniform procedure of including all such candidates who secured same cut-off-marks category-wise, for the preparation of the result of preliminary examination.

6. I have carefully examined the pleadings on record. I do not find any infirmity in the procedure adopted by the Commission of including all candidates who secured equal cut-off-marks in their respective categories for preparation of result of preliminary examination.



7. This application is devoid of merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

Rajesh/-

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