

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.402 of 2021

In
Civil Writ Jurisdiction Case No.10544 of 2021

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Nishant Kumar Son of Late Paras Nath Verma Resident of Kasma, Dugul, Rafiganj, Aurangabad, Bihar, presently residing at Sri Krishna Gopal Sadan, Dev Nagar, Shahpur Pipra Road, Jaganpura, Patna-16, Bihar.

... Petitioner ... Appellant/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Main Secretariat, Patna
2. The Chief Secretary, Government of Bihar, Main Secretariat, Patna.
3. The Principal Secretary, General Administrative Department, Main Secretariat, Patna.
4. The Bihar Public Service Commission through its Chairman, 15 Jawaharlal Nehru Marg, Bailey Road, Patna.
5. The Chairman, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna.
6. The Examination Controller, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna.

... Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjeev Kumar Mishra, Advocate
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 28-07-2021

Heard learned counsel for the petitioner and learned
counsel for the State.

Aggrieved by the judgment and order dated 25.06.2021
passed in C.W.J.C. No.10544/2021 passed by learned Single
Judge of this Court dismissing the writ petition, the appellant
has preferred this appeal.

Advertisement was issued by BPSC for conduct of 66th Combined Competitive Examination in which appellant applied and he was issued admit card. He appeared in the preliminary examination on 27.12.2020 and model answer key was published by BPSC on 21.01.2021 on its website inviting objection with respect to model key answer till 5:00 pm. on 05.02.2021. Appellant did not file any objection against said model answer key within the stipulated time.

BPSC in its counter affidavit has stated that objective type question papers were printed in A, B, C, D series and questions in each set were jumbled up. Appellant was supplied D series of question papers.

Commission received numerous objections and after consideration of said objections by experts, the model answers in respect of four questions, i.e., 88, 89, 121 and 129 of question booklet series A was decided to be altered.

The question nos.88 and 129 of series A corresponds to question no.37 and 80 of Series D and answer of which were altered, however, appellant had not raised any objection with respect to these two questions and its Model answers and started raising objection only after result of preliminary examination was declared on 24.3.2021. Since answer to

question no.37 has been altered which appellant finds to be correct, as such, he has no grievances with respect to altered answer, however, appellant is aggrieved with respect to question no.129 of A series corresponding to question no.80 of D series and according to appellant, correct answer is E and not C as held by expert body and accepted by the Commission.

Writ court has held that this Court cannot evaluate or examine the correctness of answer given by the expert body and moreover appellant had not filed any objection with respect to said question and its model answer within the stipulated time, as such, he is precluded to raise the same at subsequent stage after declaration of result and dismissed his writ petition.

This court does not find any error or infirmity in the judgment and order passed by learned Single Judge requiring any interference by this Court.

This L.P.A. is accordingly dismissed.

(Sanjay Karol, CJ)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.08.2021
Transmission Date	NA

(S. Kumar, J)