

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14062 of 2021

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Srijan Raghuvanshi, S/o Anil Kumar Singh, R/o Ganganagar Colony, Rajghat,
Varanasi (U.P.) 221001.

... .. Petitioner/s

Versus

1. Bihar Public Service Commission Bihar
2. The Chairman, Bihar Public Service Commission, Patna.
3. The Secretary, Bihar Public Service Commission, Patna.
4. The Joint Secretary cum Examination Controller, Bihar Public Service
Commission, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Smita Pandey, Advocate
Mr. Praveen Kumar, Advocate

For the Respondent/s : Mr. Sanjay Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 24-08-2021 Petitioner has prayed for the following relief(s):-



To issue Writ of CERTIORARI for quashing the impugned action of respondent reserving 23 seats to EWS category out of 221 seats, which exceeds the limit of 10% reservation for the EWS category as only 22 seats can be reserved within the said category therefore it discriminates candidates of unreserved category. Hence the impugned action is ultra-virus, discriminatory, unconstitutional and is in the violation of fundamental rights guaranteed under the tenets of article 14, 15, 16, 19(1) (g) and 21 of Constitution of India.

To issue a writ of CERTIORARI for quashing the impugned action of respondent of issuing provisional Answer key followed by final merit list. Which have been published disregarding objection of petitioner and other similarly placed candidates as the Question No. 46 & 128 of the 'B' Series booklet is contrary to the law and is based on the erroneous interpretation of the statutes/law/precedents.

To issue a writ of MANDAMUS thereby directing the respondent to constitute a fresh committee of experts to re-visit the two above-noted questions i.e. the Question No. 46 & 128 of the 'B' Series booklet and in pursuance thereof further direct the respondent to reconsider the grievances of petitioner and other similarly placed candidates and to re-evaluate the marks of the Petitioner and other similarly placed candidates after re-correcting the answer of Question nos. 46 & 128 of the 'B' Series booklet and on the basis whereof allow the Petitioner to appear and participate in the Mains examination in the interest of justice, equity and Fairplay

After the matter was heard for some time, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to file a fresh petition in its correct form, on the same cause of action, if so required and desired.

She further prays that the petition to be instituted be listed along with C. Rev. No. 109 of 2021, titled as **Vaibhav Gupta Vs. Bihar Public Service Commission & Ors.**



Liberty granted to the petitioner to withdraw the present petition and file a fresh petition as prayed for.

As and when any such petition is filed, Registry shall process the same on priority basis and have it listed before the appropriate Bench along with the petition referred to supra.

Instant petition stands disposed of as withdrawn in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

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