

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18779 of 2021

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Ajit Kumar Thakur S/o Sri Ramesh Thakur resident of Village- Kharagpur,
P.S.- Desari, District- Vaishali. Petitioner/s

Versus

1. The Bihar Public Service Commission 15, Jawahar Lal Nehru Marg, Bailey Road, Patna- 800001, through its Secretary.
2. The Secretary, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg, Bailey Road, Patna- 800001.
3. The Joint Secretary-cum- Controller of Examinations, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg, Bailey Road, Patna- 800001.
4. The Chief Secretary, Govt. of Bihar, Old Secretariat, Patna
5. The Principal Secretary, the General Administration Department, Govt. of Bihar, Old Secretariat, Patna. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suneil Kumar Thakur, Advocate
For the BPSC	:	Mr. Lalit Kishore, Sr. Advocate (AG)
		Mr. Satyabir Bharti, Advocate
For the State	:	Mr. Suman Kumar Jha, AC to AAG-3

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

Date : 07-12-2021

Heard learned counsel for respective parties.

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

“For issuance of a writ in the nature of Mandamus commanding and directing the respondent authorities to get the reassessment of the answer sheet of the optional paper (Civil Engineering) (09) of the petitioner, with respect to the 64th Combined Competitive Main (Written) Examination of the Bihar Public Service Commission (64th B.P.S.C. for short) done and thereby publish his/the petitioner’s result de novo, on the basis of the marks obtained by him after reassessment of his optional paper (Civil Engineering) (09).”



For the purpose of reassessment of the answer-sheet of the additional paper (Civil Engineering) (09) of the petitioner with reference to 64th Combined Competitive Main (Written) Examination of the Bihar Public Service Commission, petitioner has not pointed out any provision of law so as to mandate the Bihar Public Service Commission to undertake reassessment of the answer-sheet of the additional paper (Civil Engineering) (09).

Under Article 226 of the Constitution of India for the purpose of issuance of writ of mandamus one must fulfill two ingredients namely vested right and followed by demand before the competent authority. Petitioner has not pointed out that he has a vested right in seeking reassessment of the additional paper (Civil Engineering) (09). Therefore, the petitioner has not made out a case so as to issue writ of mandamus to the Commission in the light of Hon’ble Apex Court decision in the case of **Mani Subrat Jain Etc. vs. State of Haryana & Ors.** reported in (1977) 1 SCC 486.

Accordingly, writ petition stands dismissed.

Vikash/-

(P. B. Bajanthri, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

