

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20690 of 2018

1. Vinod Kumar Singh S/o ram Narayan Singh R/o Village- Bachari, P.S.-
Dhangai, District- Bhojpur
2. Raushan Kumar S/o-Jitendra Kumar Bihari R/o Village- Madhuban, P.S.-
Madhuban, District-East Champaran.
3. Suraj Kumar S/o Gopal Sahu, R/o Village- Murlichak, P.S.-Airport, District-
Patna.
4. Subodh Paswan S/o Raj Nandan Paswan R/o Vilalge- Kakaila, P.S.-Nalanda,
District-Nalanda.
5. Ratneshwar Kumar S/o Ramadhar Prasad R/o Vilalge- Koluha Paigamberpur
Bairia, P.S.-Ahiyarpur, District-Muzaffarpur.
6. Dipak Kumar Sah S/o Gopal Prasad Sah R/o Village-Kasudi, P.S.-Antichak,
District-Bhagalpur.

... .. Petitioners

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administration Department Govt. of Bihar,
Patna
3. Bihar Staff Selection Commission through its Secretary, Veterinary College
Campus, Patna
4. The Chairman, Bihar Staff Selection Commission Veterinary College
Campus, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Avinash, Adv.
For the SSC	:	Mr. Satyabir Bharti, Adv.
For the State	:	Mr. Ajay Kumar, AC to GP-4

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 12-07-2022

Heard learned counsel for the petitioners, learned counsel



for the State and learned counsel for the Staff Selection Commission (for short 'the Commission').

2. Six petitioners before this Court are participants in the Graduate level Combined Competitive Main Examination conducted in the year 2014. Result of the examination was declared pursuant to a selection process, wherein, the model answers were published and objections invited in respect of the model answers which objection was to be submitted from 06-04-2016 to 13-04-2016 in proforma prescribed.

3. The fact that objections had been invited is not denied or disputed by the petitioners in their reply to the counter affidavit. However, they have asserted that in spite of such opportunity being given to the candidates the Commission has miserably failed to correct the answers of question Nos. 58 and 117. Had these two model answers being rectified, it is the case of the petitioners' that they may have emerged successful.

4. The law is well settled insofar as assailing model answer is concerned. The Hon'ble Apex Court in the case of ***Ran Vijay Singh & Others v. State of Uttar Pradesh and others*** reported in ***(2018) 2 SCC 357*** has taken note of such allegations in Paragraph No. 30 of the judgment, wherein, the examinee has alleged that the model answers were incorrect. Relevant extract



of paragraph No. 30 of the said judgment reads as follows:-

“30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are:.....

.....30.4 The court should presume the correctness of the key answers and proceed on that assumption; and

30.5 In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.”

5. Having regard to the settled legal position, this Court is not persuaded to go into the issue of correctness of these two model answers.

6. In the instant case, there is an additional fact that the petitioners have not availed the opportunity of filling any objection when the objections in respect of the model answers were invited. Having failed to avail the opportunity, the Court would presume that they have also waived their right to raise any issue or question the correctness of the model answers.

6. For these reasons, the application is dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	AFR
CAV DATE	N/A
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Transmission Date	

