

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17612 of 2014**

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1. Manoranjan Pathak, S/o Late Luxmi Narayan Pathak, R/o village-Paneribandh, P.O.-Shahpur, P.S.-Chainpur, District-Palamu (Jharkhand).
  2. Raju Kumar, S/o Rajendra Thakur, R/o village-Yashwantpur, P.O.-Rukhai, P.S.-Chandi, District-Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, General Administration Govt. of Bihar, Patna
3. The Chairman, Staff Selection Commission, Bihar, Patna
4. The Secretary, Staff Selection Commission, Bihar, Patna
5. The Examination Controller, Staff Selection Commission, Bihar, Patna
6. Amar Kumar Jha at present posted as Accountant cum Storekeeper in the office of Director, Social Welfare Department in Bihar Sinchai Bhavan Secretariat, Patna.
7. Pawan Prakash Paras, S/o Ramnath Prasad, R/o Village-Chandaniyan, P.O+P.S.-Sangrampur, District-Munger.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Avinash, Adv.               |
| For the State        | : | Mr. Shailesh Kumar, AC to GP-5 |
| For the BSSC         | : | Mr. Sanjay Kumar, Adv.         |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**

**ORAL JUDGMENT**

**Date : 05-12-2022**

The present writ petition has been filed for directing the Respondent authorities to call the petitioners for counselling in connection with Advertisement no. 110 / 2010, issued by the Bihar



Staff Selection Commission and then appoint them, inasmuch as they have got more marks than the private Respondents No. 6 and 7, who have been appointed by the Respondent authorities.

2. The brief facts of the case, according to the petitioners, are that an advertisement bearing Advertisement No. 110/2010 was published in the local daily newspapers 'Hindustan' on 18.6.2010 by the Respondent-Bihar Staff Selection Commission Bihar, Patna (hereinafter referred to as the 'Commission') for making appointment on various Graduate level non-gazetted posts in various Department of the Government of Bihar. The prescribed educational qualification was graduate pass and the candidates had to first pass the preliminary test, whereafter the successful candidates were required to appear in the mains exam and then, counselling was to be held qua the successful candidates of the main examination. The petitioners had also filled up the forms in pursuance to the aforesaid Advertisement No. 110/2010 and were issued admit cards for



appearing in the preliminary exam, which was held on 18.12.2011, whereupon they were declared successful and then, they had appeared in the mains exam held on 27.1.2013. The petitioner no. 1 had got 411 marks in G.K. and 321 marks in Hindi in the main examination and had obtained 2112 rank in the general category whereas the respondent no. 6 had got 410 marks and had obtained 2231 rank in the general category, but even then, the Respondent No. 6 has been finally selected instead of the petitioner no. 1. Thus it is submitted that the Petitioner No. 1 deserves to be selected.

3. The learned counsel appearing for the Respondent-Commission has referred to the counter affidavit, filed in the present case and has submitted that the petitioner no. 1 had obtained 411 marks and could not be selected because the marks obtained by him was less than the minimum cut off marks of his category and similarly, the petitioner no. 2, who is a MBC category candidate, obtained total 384 marks, which was less than the



minimum cut off marks of his category, hence, he could also not be finally selected. As regards the claim of the Petitioner No. 1 to the effect that though he has obtained 411 marks and has not been selected, but the Respondent No. 6, who has obtained only 410 marks has been selected, it is submitted that the Respondent No. 6 was eligible for the post in which eligibility condition required the candidate to have one of the subject as mathematics, however, the petitioner no. 1 was not eligible for being selected to the post requiring mathematics as one of the subject since he did not have mathematics as a subject in his curriculum. As regards the Respondent No. 7, it is submitted that he has not been selected since both the Petitioner No. 2 as also the Respondent No. 7 obtained less marks than the minimum cut off marks of their category. It is thus submitted that apparently, the petitioners do not have any case and the present writ petition is fit to be dismissed.

4. I have heard the learned counsel for the parties and gone through the materials on record.



The submissions made by the learned counsel for the Respondent-Commission, as recorded hereinabove in the preceding paragraph, would show that the petitioners could not be selected since they obtained less marks than the minimum cut off marks required to be obtained qua their respective categories, hence, I do not find any merit in the present writ petition, thus, the same stands dismissed.

**(Mohit Kumar Shah, J)**

Ajay/-

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| AFR/NAFR          | AFR      |
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