

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 9559 of 2022

1. Mayank Mayur Son of Mithilesh Kumar Sinha, Resident of Flat No. 404, Ganesh Savitri Encalve, Gola Road, Danapur, P.S.-Rupaspur, District-Patna, Bihar-801503.
2. Sumit Kumar, Son of Arvind Singh, Resident of Village-Nawanagar, P.S.-Nawanagar, District-Buxar, Bihar-802129.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Transport Department, Vishveshwariya Bhawan, Bailey Road, Patna.
2. The Joint Secretary, Transport Department, Vishveshwariya Bhawan, Bailey Road, Patna.
3. The Bihar Public Service Commission, Bailey Road, Patna.
4. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.
5. The Joint Secretary-cum-Controller Examination, Bihar Public Service Commission, Bailey Road, Patna.

... .. Respondent/s

WITH

Civil Writ Jurisdiction Case No 9607 of 2022

Niraj Kumar S/o Uday Shankar Singh Resident of Village- Bhagwanpur, P.S.-Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary General Administration Department, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Transport Department, Bihar, Patna.
4. The Director, General Administration Department, Govt. of Bihar, Patna.
5. The Chairman, Bihar Public Service Commission, Patna.
6. The Secretary, Bihar Public Service Commission, Patna.
7. The Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No 9559 of 2022)

For the Petitioner/s : Mr Y V Giri, Sr Advocate with
M/s Pranav Kr, Ashish Giri, Shrishti Singh,
Advocates



For the Respondent/s : Mr Anil Kr Singh, GP XXVI
Mr Sanjay Pandey, Advocate
(In Civil Writ Jurisdiction Case No 9607 of 2022)
For the Petitioner/s : M/s Pankaj Kr Singh, Bipin Kr, Advocates
For the Respondent/s : Mr Sheo Shankar Prasad, SC VIII
M/s Sanjay Pandey, Zaki Haider, Advocates

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 02-09-2022

This case has been taken up today for consideration through Video Conferencing.

2 Learned senior counsel has made submissions on behalf of petitioners and the learned State Counsel including the learned counsel for the Commission have made submission on behalf of the respondents.

3 The petitioners were applicants pursuant to Advertisement No 6 of 2020 for appointment of Motor Vehicle Inspectors. They participated in the process of selection and succeeded in the written examination. Subsequently, when the results were declared on 11.06.2022, their names have not figured in the list of candidates selected. It is under such circumstance that this writ petition has been filed seeking quashing of the result dated 11.06.2022. The learned senior counsel has submitted that the grounds for seeking quashing of the entire selection process is the fact that 24 candidates, who appeared in the process of



selection placed in one room at a Center, have all emerged successful in the process of selection. The moment the petitioners came to know about this fact from the newspaper, they have filed the present writ petition alleging that such circumstances are indicative of the mass level illegality and fraud that has been perpetuated in the process of selection in connivance with the officials. These 24 candidates are chosen persons and with a view to favouring them, their Center was fixed in a particular Center and there also, in a particular room. As a result of the favouritism, all 24 candidates have emerged successful.

4 The petitioner of CWJC No 9607 of 2022 has also confined his relief in his writ petition to the irregularities committed in the process of selection. They have specifically stated that they are not pressing the relief in so far as the Advertisement No 6 of 2020 is concerned. Such submission has earlier been recorded by this Court in the order dated 15.07.2022 passed in CWJC No 9607 of 2022. It is under such circumstance that this Court had called upon the respondents to file counter affidavit which the authorities have placed on record.

5 Learned senior counsel for the petitioners has placed reliance on decision of the Apex Court in the case of *Nidhi Kaim & Another -Versus- State of Madhya Pradesh & Others*, reported



in (2017) 4 Supreme Court Cases 1. He has referred to paragraphs 81, 86, 89, 94, 95, 96.

6 The learned counsel for the Commission at the outset submitted that the petitioners had not even qualified at the written examination. Only after the result was published and a report was published in the newspaper casting suspicion on the genuineness of the selection process, based on the fact that 24 candidates from a particular Center had been declared selected, that the petitioners have filed the instant writ petitions. Prior to publication of newspaper report, they had not raised any issue with respect to any illegality in the selection process. Petitioner No 2 in fact was appearing in the written examination from the very same Center, namely, Rajkiya Kanya Uchch Madhyamic Vidyalay, Shastrinagar wherein these 24 candidates had their Center. In spite of this fact, no such issue has been raised by petitioner No 2. The other submission advanced is that the newspaper report cannot form the basis of questioning the veracity of the selection process. The same itself is belated and unreliable. The petitioners, having participated in the process of selection and declared unsuccessful in the written examination, are unnecessarily raising baseless issues relying only upon some articles/reports published in the newspaper, which is devoid of any substance.



7 The authorities, in the counter affidavit, have explained the circumstance in which the 24 candidates have been placed in one Center in one room by specifically stating that all these 24 candidates were females and, therefore, their Center had, accordingly, been fixed at the Center, namely, Rajkiya Kanya Uchch Madhyamic Vidyalay, Shastrinagar. From that Center, 64 candidates were declared successful, including 24 being the female candidates. Accordingly, they were categorized by virtue of being females for being placed in the Center for the sake of their convenience. They have all succeeded on the basis of their merit and marks. The fact that they have been placed in one Center cannot be made the basis of assailing the recruitment process. Further submission of the learned counsel for the Commission is that the 24 female candidates have emerged successful because they are beneficiaries of the horizontal reservation policy provided for female candidates. The fact that they were huddled in a particular Center is only a fortuitous circumstance and does not indicate any illegality or any favourism meted out to the 24 candidates.

8 In so far as the decision relied upon by the learned senior counsel for the petitioners, in the case of *Nidhi Kaim (supra)*, this Court would observe that the legal propositions in the



said judgment, needless to say, are binding on this Court. However, the propositions would apply only to the particular set of facts. In the instant case, in view of the facts taken note of above, including the presumptuous nature of challenge to the selection process as well as the convincing stand of the Respondent-Commission which manifests a bona fide selection process, this Court would observe that the instant case is distinguishable from the case of *Nidhi Kaim (supra)*. The said decision would have no applicability in the instant case.

9 This Court is inclined to accept the stand of the Commission, taken in the counter affidavit. The writ petition, based merely on a newspaper report/article, is apparently based on presumptuous pleadings and does not make out any case for interfering with the entire result of the selection process.

10 The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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