

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1277 of 2023

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1. Pragya Singh Daughter of Ranvijay Singh, Resident of Village - Gautam Nagar Colony, Sasuwahi, Police Station Lanka, District - Varanasi, Uttar Pradesh, PIN No. 221011.
 2. Upendra Narayan Prasad, Son of Bikrama Ditya Prasad, Resident of Village Jamira Police Station Arah (Mufassil), District - Bhojpur at Arah, Bihar.
 3. Mukesh Kumar, Son of Narendra Sharma, Resident of Mohalla Rampur, Lakhawar Police Station - Ghosi, District - Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Main Secretariat, Patna.
2. The Chairman, Bihar Public Service Commission, (BPSC), 15 Nehru Path, (Bailey Road), Patna, Bihar, PIN No. - 800001.
3. The Controller of Examination, BPSC, 15, Nehru Path (Bailey Road), Patna, Bihar, PIN No. - 800001.
4. The District Magistrate, Patna.
5. The Superintendent of Police, Patna.
6. The Principal, Uchcha Madhyamik Vidyalaya, Phulwarisharif, Patna, PIN No. 801505.
7. The Examination Management Committee for APO Mains Examination, at Uchcha Madhyamik Vidyalaya, Phulwarisharif, Patna, PIN No. 801505, Through its Principal.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Shanker Pankaj, Advocate
For the Respondent/s	:	Mr. Anil Kumar, AC to SC-8
		Mr. Rajnikant Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-06-2023 As per the petitioners, they were prevented from entering the gate of the venue where the Mains (Written) Competitive Examination was being conducted for appointment of Assistant Prosecution Officer, pursuant to the advertisement no. 01/2020 (Annexure-1).



The submission of learned counsel for the petitioners is that they were prevented from entering the gate, though they had reached in time.

The counter-affidavit reveals that the date of Mains (Written) Examination was in between 12.11.2022 to 15.11.2022, whereas complaint has been made by the petitioner on 07.12.2022, which, as per respondent authorities, is nothing but an after-thought. The counter-affidavit also contains copy of an order passed in CWJC No. 16965 of 2022, wherein others had raised similar plea with respect to the same examination and they had made their complaint in this regard on 15.11.2022 itself.

The Court considered the legal position regarding the primacy of the Commission in conduct of examination and the fact that such issues raised which involve disputed questions of fact regarding the time at which they reached, or not, cannot be appropriately considered by this Court under Article 226 of the Constitution of India.

In the instant case, there is an additional infirmity in the petitioners' approach. The same is the fact that for the first time the petitioners raised a grievance on 07.12.2022, much after they alleged that they were prevented from entering the



venue of the Mains (Written) Examination, which were conducted between 12.11.2022 to 15.11.2022.

This Court, in view of above consideration, is not inclined to take a view different from what has been taken by this Court in the case of CWJC No. 16965 of 2022.

Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

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