

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2524 of 2022

Ms. Leena Mehta Daughter of Late Panchu Mehta Resident of North Sri Krishnapuri, House No- 40, Sardar Patel Path, P.O. and P.S. Krishnapuri, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Department of Law and Justice through its Secretary cum legal Remembrancer, New Secretariat, Patna, Bihar
4. The Secretary cum Legal Remembrancer, Department of Law and Justice, New Secretariat, Patna, Bihar
5. The Hon'ble High Court of Judicature of Patna through its Registrar General.
6. The Registrar General, Hon'ble High Court of Judicature of Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Chakrapani, Adv. Mr. Madhuresh Singh, Adv. Mr. Dipak Kumar, Adv. Mr. Dipak Kumar
For the State	:	Mr. Gyan Prakash Ojha, GA-7 Mr. Sanghmitra, AC to GA-7
For the High Court	:	Mr. Piyush Lall, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 23-02-2023

Heard Mr. Chakrapani, learned advocate for the petitioner and Mr. Piyush Lall, learned advocate for the High Court.

The petitioner has filed this writ petition seeking a direction to the respondents to award



her 0.94 marks, which would constitute 0.38% and recommend her for being appointed against the reserved category candidates in the 20th Judicial Examination for District Judge (Entry Level).

The minimum qualifying marks in aggregate of the written as well as viva-voce test was kept at 112.50 marks whereas the petitioner had obtained 111.56 marks, falling short by less than 1 mark than the cut off marks fixed.

The concern of the petitioner is that no SC category candidate has passed in the examination and the vacancy remained unfilled and therefore such grace marks ought to be given to the petitioner.

Mr. Lall, the learned advocate for the High Court contends that the vacancy for the reserved category has been carried over to the following year and the 21st Examination has also been conducted against the Advertisement No. BSJS/1/2021, which includes 6 backlog vacancies of SC Category (3 vacancies of the last selection process and 3 vacancies of the second last



process).

For the aforementioned examination, screening test has been held on 06.03.2022 and written test has been conducted on 24.07.2022. The result of the succeeding process but has not yet been announced.

The learned advocate for the petitioner then submitted that on an earlier occasion, in the year 2016, grace marks were given to the candidates who failed short of the cut off marks by lesser percentage.

In response to the aforementioned statement, Mr. Lall, submits that in the 2016 Examination, there was no minimum qualifying marks fixed for viva-voce test and therefore any concession granted to candidates in the aforesaid process, cannot be made applicable in case of the petitioner.

In the event of the petitioner not having secured the minimum qualifying marks in her category, there is no way in which any concession can be given to her or any direction could be



issued to either the Commission or the State or the High Court.

There is no merit in the petition. it is dismissed.

(Ashutosh Kumar, J)

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28-02-2023
Transmission Date	

