

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4830 of 2023

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Tanushri Chaudhary Son of Sant Lal Chaudahry Resident of Flat No.-Chhabi
Kamla Sadan, West Boring Canal Road, PS Buddha Colony District-Patna-
800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, General Administration Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, General Administration Department, Government of Bihar Patna.
3. The Hon'ble High Court of Judicature at Patna through its Registrar General, Jawahar Lal Nehru Marg, Veerchand Patel Road, Area, Patna, Bihar-800016.
4. The Registrar General, Hon'ble Patna High Court, Jawahar Lal Nehru Marg, Veerchand Patel Road Area, Patna, Bihar-800016.
5. Bihar Public Service Commission through its Chairman. Jawahar Lal Nehru Marg, Bihar, Patna .
6. The Chairman, Bihar Public Service Commission Jawahar Lal Nehru Marg, Bihar, Patna .

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Brisketu Sharan Pandey, Advocate
For the Respondent/s	:	Mr. P.K. Verma (AAG-3)
		Mr. Sanjay Kumar Ghosarvey, AC to AAG-3
For the B.P.S.C	:	Mr. P. K. Shahi, AG
		Mr. Sanjay Pandey, Advocate
		Mr. Nishant Kumar Jha, Advocate
For the High Court	:	Mr. Piyush Lall, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 14-09-2023

The petitioner, a candidate for the 31st Bihar Judicial Services Exam did not qualify for reason only of she having not obtained the cut off marks of 356. It is the petitioner's contention that the marks as per the copy of the



marksheets obtained was reduced by 11, which has led to her disqualification. In fact, she needs only 4 marks to reach the cut off marks of 356, since she has obtained 352 marks after the revaluation. The revaluation reduced the marks from 363 to 352 is the contention.

2. Learned Advocate General appeared for the parties and also produced the original answer sheets before us. He also specifically pointed out to us, the guidelines issued for answer books, with specific reference is made to clause (4) which reads as under :-

(4) परीक्षक द्वारा उत्तर पुस्तिका में अंक अंकित करने के उपरांत , यदि उन्हें आवश्यकता महसूस होती हो तो वे अंक आवंटन की पुनर्समीक्षा करते हुए अंक में स्वयं संशोधन कर सकते हैं।

(4) After recording of marks in the answersheet by the examiner, if he feels it necessary, he himself may modify the marks while reviewing the marks given in the answersheet.

Each of the answers are pointed out to show that the reduction of marks was only proper.

3. We have gone through the answer sheets produced along with the supplementary counter affidavit. In General Knowledge, one of the questions was, as to the full form of CAG, which the candidate wrote as 'Controller and Auditor General', which is actually 'Comptroller and Auditor General'. The next reduction was insofar as the 5th question



wherein, the Governors of various States were to be named. Insofar as the Governor of U.P., for 'Anandiben Patel', the candidate had written 'Anandi Behen Patel' and for the Governor of M.P. for 'Mangubhai C Patel', she had written 'Magnu Bhai C Patel'. Similarly, with respect to General Science in naming the thin wire that gives off light in an electric bulb, the candidate answered tungsten while the correct answer is a 'filament'. These answers given at first blush may appear to be correct, which was the mistake committed by the examiner also. 'Filament' is what gives off light, but it is made of tungsten. However, the answer should be precise and mere approximation is not sufficient. We have examined each of the answers on which there was a reduction made of marks and we are satisfied that there is not even one answer, for which marks could be validly given to the petitioner. We also emphasize clause (4) extracted above, from the guidelines, which is very specific. Though a written test, the answers were akin to one word answers which had to be precise and to the point. Spelling mistakes and jumbling up of words as in the case of the 'National Indian Congress' where the correct answer was 'Indian National Congress' would dis-entitle the candidate from getting the marks.



4. Having gone through the mark-sheets and also considering the fact that a revaluation was contemplated by the guidelines, we are not inclined to interfere with the disqualification of the petitioner.

5. We dismiss the writ petition leaving the parties to suffer their respective costs.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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AFR/NAFR	NAFR
CAV DATE	
Uploading Date	19.09.2023
Transmission Date	

