

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.517 of 2023

In

Civil Writ Jurisdiction Case No.16965 of 2022

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1. Shweta Anand Daughter of Birju Prasad, Resident of Flat No. 302, Sant Vihar Apartment, Kadam Kuan, Patna-800003, Bihar.
 2. Sandeep Kumar, Son of Bijay Kishore Choudhary, Resident of 2L-78, Sant Niwas, Bahadurpur Housing Colony, Sampatchak, B.H. Colony, Patna,Bihar-800026.
 3. Kumar Chiranjeev Rai, Son of Ravindra Kumar Yadav Resident of Pesu Pol No. 5, B-3, Bihar Niwas, Station Road, Patna G.P.O., Patna, Bihar-800001.
 4. Rekha, Daughter of D.K. Singh, Resident of D302, Shivaji Colony, ASC Butchary Dhandhera, Haridwar 247666, Uttarakhand.
 5. Rohit Anand, Son of Binod Kumar Gupta, Resident of Chaudhary Mubarak Ali, Hajipur, Vaishali, Bihar-844101
 6. Vikash Kumar, Son of Dilip Chaudhary, Resident of Ward No. 02, Nimtal, Khushrupur, Patna, Bihar-803202.
 7. Mohd. Tahir, Son of Ali Hassan, Resident of Village-Bhangeri, Mahawatpur,District-Haridwar 247667, Uttarakhand.
 8. Farook, Son of Rao Akbar Ali, Resident of House No. 548, Sikrauda,Haridwar, Uttarakhand-247661.
 9. Sandhya Patel, Wife of Ravikant Nirala, Resident of Bahadurpur, Bhagalpur, Sabour, Bihar-813210.
 10. Janardan Kumar, Son of Basant Ram, Resident of G.T. Road, Near MICO, Sasaram, Rohtas, Bihar-821115.
 11. Vibha Mishra, Daughter of Narendra Kumar Mishra, Resident of 383, Senduli Benduli Kajakpur, Badgo, Bargo, Gorakhpur, Uttar Pradesh-273016.
 12. Priyanka Shawarn, Daughter of Nagendra Prasad Singh, Resident of Bhootnath Road, Near Hanuman Mandir, M.I.G. sec-6, Block-01, Flat 14,Patna, B.H. Colony, Bihar-800026.
 13. Sapna Kumari, Daughter of Gauri Nandan Prasad, Hanuman Nagar, Vivek Vihar Main Road, Ranjan Niwas, Thana Patrakar Nagar, Kankarbagh, Patna, Bihar-800020.
 14. Rita Yadav, Wife of Chandra Bhushan Prasad, C/o Bhola Singh, Korea, Saran, Bihar-841414.
 15. Shilpa Vishivkarma, Daughter of Dharmendra Vishivkarma, Sugar Mill, Siwan, Bihar-841226.
 16. Uzma Khatoon C/o Shakeel Ahamad, Bhitani, Gorakhpur, Uttar Pradesh-273015.
 17. Manindra Kumar Singh, son of Mahanand Prasad Singh, Bhokilapur, Mirzapur, Nalanda, Bihar-801302.
 18. Rashmi Sharma, Daughter of Kalicharan Sharma, 26/7, Chandpur Road,Suryanagar-1, Bulandshahr, Uttar Pradesh-203001.



19. Yasmeen Begum, Daughter of Shafeeque Ahmad Khan, Gehuwasagar, Post-Borgo, Gorakhpur, Uttar Pradesh, PIN-273016.
20. Kumari Simran, C/o Shiv Nandan Singh, Mahajan Toli No. 1, Jain Lal Manjan Factory, Arrah, Bhojpur, Bihar-802301.
21. Namrata Singh, Daughter of Maniram Singh, Resident of Malipur Badalapur Parav, Kutchehry Sadar, Jaunpur, Huseenabad, Mariahu, Uttar Pradesh-222002.
22. Chetna Rani Wife of Ajit Singh, Resident of 127, Sega Jagatpur, Bulandshahr, Uttar Pradesh-245407.
23. Archana Sinha, Daughter of Sachidanand Sinha Resident of Purana Bihora Market, Digha Ghat, Dinapur-cum-Khagaul, Patna, Bihar-800011
24. Nitu Kumari, Daughter of Ashok Kumar, Resident of Bichali Khandak, Bihar Sharif, Nalanda, Bihar-803101.
25. Divyani Shruti, Daughter of Ram Niwas Prasad, Resident of Dahiwar, Buxar, Bihar-802116.
26. Shruti Singh, Daughter of Rana Rajesh Singh, K46/176, Hartirath, Vishesharganj, Varanasi, Uttar Pradesh-221001.
27. Khushbu Kumari, Daughter of Sachidanand Jha, Ward No. 09, Village-Ekamba, P.S.-Jalalgarh, Purnia, Bihar-854327.
28. Shambhu Kumar, Son of Late Panchkauri Ram, House NO. C-79A, 2nd Floor, Gali No. 3, Hardev Nagar, Jharoda Mazra, Burari, North Delhi, Delhi-110084.
29. Brijesh Kumar Singh, Son of Lachhan Dhari Singh, Resident of Shuklaha, Surya Shiv Puram Colony, Durga Shiv Mandir, Mahuarua, Mirzapur, Uttar Pradesh 231001.
30. Vijay Shankar Singh Son of Bishwanath Singh, Resident of Ward No.09, Chhawani Muhalla Bhabua, Kaimur (Bhabua), Bihar-821101.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Main Secretariat, Patna-800015.
2. The Chairman, Bihar Public Service Commission (BPSC), 15, Nehru Path (Bailey Road), Patna-800001 (Bihar).
3. The Controller of Examination BPSC, 15, Nehru Path (Bailey Road), Patna-800001 (Bihar).
4. The District Magistrate, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Principal, Devi Pad Choudhary Shaheed Smarak (Miller) Uchcha Madhyamik Vidyalaya, Veerchand Patel Path, Patna-800001.
7. The Principal, Shaheed Rajendra Prasad Singh Rajkiya Uchcha Madhyamik Vidyalaya Plus2 (Patna High School), Gardanibagh, Patna-800002.
8. The Principal, M.A.A. Uchcha Madhyamik Vidyalaya, Patna City, Patna-800008.



... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Ranjan, Advocate
Ms. Shweta Anand, Advocate
For the Respondent/s : Mr. P.K. Verma (AAG3)
For the BPSC : Mr. Sanjay Pandey, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-04-2023

The Appeal is from the judgment of a learned Single Judge dated 16.03.2023 passed in CWJC No.16965 of 2022 filed by the writ petitioners who are candidates who could not attend the first part of the main examination in General Studies, which is a part of the competitive examination conducted vide Advertisement No.01/2020 published by the Bihar Public Service Commission (hereinafter referred to as, 'BPSC') for appointment to the posts of Assistant Prosecution Officer. The Examination was scheduled on 12.11.2022 and the grievance of the petitioners was that despite their reaching the examination centre well within time, due to commotion prevailing there, they could not reach the entry point before 8:30 A.M. It was also alleged that in one of the centres, Shaheed Rajendra Prasad Singh Rajkiya Uchcha Madhyamik Vidyalaya +2 (Patna High School), Gardanibagh, Patna, there were two examinations



being conducted, the entry to which were through two separate gates. There was no mention of the gate from which the candidates to a specific examination have to enter which also resulted in delay. Insofar as the other centre M.A.A. Uchcha Madhyamik Vidyalaya, Patna City, the address was not clearly shown and hence, there occasioned delay. It is also alleged that the gates stood closed at 8:30 A.M. and despite the petitioners reaching within 8:31 A.M., they were not allowed to enter. In yet another examination centre, Devi Pad Choudhary Shaheed Smarak (Millar) Uchcha Madhyamik Vidyalaya, Veerchand Patel Path, Patna, though the petitioners reached the centre at 8.30 A.M., while handing over their bags to their guardians and parking their vehicles, the gates were closed, without any prior announcement.

The learned Single Judge called for a report from the Chairman of the BPSC which was proposed to be filed as a counter affidavit. The learned Single Judge went through the report as produced across the bar. The report indicated that BPSC held a meeting on 06.03.2023 to consider the complaints received by e-mail and the averments made in the writ petition were also examined. There was only one e-mail complaint dated 15.11.2022 which alleged crowding at the examination centre



and the entry gate having not been specified, thus, disentitling the petitioners to enter the examination hall despite they having reached there at 8:30 A.M. It was specifically pointed out that the candidates were advised to reach the examination centre two hours prior to the commencement of the examination. The attendance figures were also detailed which showed an attendance of 501, 390 and 487 candidates, respectively, in the first sitting and in the second sitting 525, 415 and 496 candidates having appeared; the difference being minimal. The learned Single Judge having considered the averments made in the writ petition and also the report of the BPSC rejected the writ petition and declined the relief for re-examination.

We see from the Admit Cards produced as Exhibits in the writ petition that condition no.2 specifically required the candidates to be present at the examination centre two hours before commencement of the examination. It was also clearly notified that entry would be denied after 8:30 in the morning and after 1:30 in the afternoon. Insofar as the exact address of the examination centre, the correct address was given in the admit cards. It was for the candidate to have verified the exact location of the examination centre well in advance, before the examination itself. No candidate has a grievance that despite



having reached at the centre prior to two hours of the examination, they were disabled from entry into the examination hall because of the crowding at the entrance. The candidates, all of them in unison, seems to take the contention that they reached the examination centre at 8:31 A.M.; very difficult to believe.

We find absolutely no reason to interfere with the judgment of the learned Single Judge and dismiss the appeal.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sunil/-

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CAV DATE	
Uploading Date	21.04.2023
Transmission Date	

