

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16525 of 2013

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Shailesh Kumar Son Of Shree Siya Ram Singh Resident Of Village- Mafi,
Police Station- Warisaliganj, District- Nawada Bihar And At Present Posted
As Junior Engineer In Indian Railway At Ranchi And Residing In Qtr. No.
Ds.-104/B, North Railway Colony, P.O.- Chutia, P.S.-Chutia, District- Ranchi

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Bihar Public Service Commission, Patna Through Its Chairman
3. The Chairman, Bihar Public Service Commission, Patna
4. The Secretary, Bihar Public Service Commission, Patna
5. The Examination Controller, Bihar Public Service Commission, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bijay Kumar Pandey, Adv.
For the Respondent/s : Mr.S.D. Sanjay, AAG XII

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 10-01-2023 Heard the parties.

The petitioner by way of this writ petition has prayed
as under :

*“..... for issuance of an appropriate writ/writs,
direction/directions upon the respondents to include
the name of the petitioner in the list of successful
candidates treating him also a successful candidate
in written examination for which results has been
published under the signature of the Examination
Controller, Bihar Public Service Commission, Patna
(the respondent no. 5) to appear for further interview,
which is to be conducted by the respondent for final
selection for the post of Assistant Engineer (Civil),*



against the vacancies of the different department published pursuant to an advertisement No. 02/2011, published under the signature of the respondents, and to allow him to appear in interview along with the successful candidates, as referred above and further for direction upon the respondents to keep one post vacant for the petitioner until the matter is decided by this Hon'ble Court as the petitioner is sure that he had done better than some of the known successful candidates in the written examination conducted by the respondents for the post stated above and further to restrain the respondents from conducting interview of the successful candidates which is to be held from 21.08.2013 for final Selection and further to allow the petitioner to appear in interview in interview along with successful candidates, as some thing wrong has been done in respect of the petitioner."

The counter affidavit has been filed on behalf of the Commission and it is stated that the Commission has sent recommendation of appointment of successful candidates. Recommendations for 45 post of SC, 22 posts of EBC and 42 posts of Backward Class Lady could not be sent due to non-availability of suitable candidates. The petitioner secured 264 marks whereas the last selected candidate for interview secured 285 marks in the open category. Since he has not come within the zone of selection, he has not been called for interview.

Considering the reply filed by the respondents and



also the fact that even retotalling was done and no discrepancy has been found no relief as prayed can be granted to the petitioner.

The writ petition is dismissed.

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 42

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