

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6007 of 2023**

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Kanika Daughter of Surendra Prasad Mishra Residing at Mohalla Shivaji Nagar, near Jagdam College Bintoliya Road, P.O. and P.S. Saran at Chapra, District Saran at Chapra.

... .. Petitioner/s

Versus

1. The Bihar Public Service Commission through its Chairman 15 Jawahar Lal Nehru Marg, Bailey Road, Patna- 800001.
2. The Secretary, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg, Bailey Road, Patna-800001.
3. The Additional Secretary-cum-Examination Controller, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg, Bailey Road, Patna-800001.
4. Smt. Chandrakanta Kumari Daughter of Not Known, Resident of Pyara Gharana Apartment, Flat No. 303, Block- A, P.O. and P.S.-Chandauti More, District- Gaya-23001.
5. The State of Bihar through the Principal Secretary, General Administration Department, Govt. of Bihar, New Secretariat, Patna.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|---------------------------------|
| For the Petitioner/s | : | Mr.Bipin Bihari Singh, Advocate |
| For the BPSC         | : | Mr.Sanjay Pandey, Advocate      |
|                      |   | Mr.Nishant Kumar Jha, Advocate  |
| For the Respondent/s | : | Mr.Sheo Shankar Prasad (SC-8)   |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE RAJIV ROY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 10-11-2023**

The petitioner is aggrieved with the alleged revaluation conducted of the answer papers, which reduced her marks. The selection was one conducted by the Bihar Public Service Commission (for brevity 'B.P.S.C.') to the post of Civil Judge, Junior Division. The petitioner had appeared in the same and after being declared not qualified, she had sought for revaluation of the answer papers and raised an objection as per



Annexure-2. The petitioner's contention in the objection at Annexure-2 is that the action of the B.P.S.C. in conducting a revaluation was unjustified, arbitrary and unreasonable. Alternatively, she also says that assuming that there were possibilities of slight mistakes in the above mentioned answers, it was unjust on the part of the B.P.S.C. to refuse allotment of marks.

2. The learned standing counsel for the B.P.S.C. submits that there was no revaluation as such and there was rechecking done only to ensure that the examiner who carried out the valuation at the first instance, had correctly given the marks. The petitioner's contention is that even assuming that there were minor mistakes she should have been allotted marks cannot at all be countenanced, especially considering the fact that it is a competitive examination where many persons apply for the post.

3. We have looked at the various answers as claimed by the petitioner herself. The full form of the abbreviation of SOS is written as 'Save our Soul' while it is actually 'Save our Souls'. BRO has been expanded as 'Border Road Organisation' while it should be 'Border Roads Organisation'. All of the answers pointed out, as stated in the objection have mistakes, as admitted by the petitioner. In fact, with respect to the Governor



of Madhya Pradesh, it is ‘Mangubhai C. Patel’, while the petitioner wrote it as ‘Mangu Bhai Patel’. In the normal sense, the omission of an initial may not be very relevant, but however, considering the fact that many persons apply and the others have specified the initial would dis-entitle the petitioner from the allotment of marks.

4. We do not accept the petitioner’s contention that assuming there were mistakes, she should have been allotted marks irrespective of such slight mistakes. In a selection process, especially of the magnitude conducted in one of the most populous countries; it is more of an elimination rather than a selection. Hence, unless the candidates give the exactly correct answers; when others do it, there cannot be any marks given for the incorrect answers, however slight the mistake may be.

5. The writ petition would stand dismissed.

**(K. Vinod Chandran, CJ)**

**( Rajiv Roy, J)**

sharun/-

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