

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8656 of 2023

Khushboo Kumari Daughter of Manoranjan Kumar Resident of Village-
Musahri, P.S.- Ekangarsarai, District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Science and Technology Department, Govt. of Bihar.
2. The Secretary, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna- 1.
3. The Examination Controller, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna- 1.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Sanjay Prasad, Advocate
For the State	:	AC to SC-7
For the B.P.S.C.	:	Mr.Zakir Haider, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-07-2023 Heard learned counsel for the petitioner, learned counsel for the Bihar Public Service Commission (in short ‘BPSC’) and learned AC to SC-7 for the State.

Petitioner in the present case is aggrieved by and dissatisfied with the marks awarded to her in the interview for appointment on the post of Lecturer in Government Polytechnic/ Mahila Polytechnic College in Computer Science and Engineering/ Technology under Advertisement No. 40/20.

It is the submission of learned counsel for the petitioner that the petitioner was unsuccessful by 0.22 marks only. It is submitted that because of this the petitioner had not succeeded in final result. She has relied upon a press statement



of the Chairman of BPSC, Patna published in Hindustan Dainik on 4th April, 2023 that when below 30% marks or more than 80% marks is given in interview then reason must be given. In this regard, she has also made a representation vide Annexure '6' to the writ application.

Learned counsel for the State has opposed this writ application. It is submitted that this Court sitting under Article 226 of the Constitution of India need not issue a Writ of Mandamus in the facts and circumstance of the case.

Having regard to the submissions noted hereinabove, this Court is of the considered opinion that in absence of any rule in this regard, it would not be appropriate for this Court to entertain this writ application and issue a direction as prayed for. It, however, goes without saying that in case there is any such provision with the BPSC that when below 30% marks or more than 80 % marks is given in interview then reason must be provided, the petitioner would be at liberty to seek her remedy before the competent authority which will be looked into.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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