

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1186 of 2021**

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Ranjeet Kumar Son of Bindeshwar Acharya, resident of Ward no. - 6,  
Bishwanathpur, P.O. and P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Department of Law, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Bihar Public Service Commission, through its Chairman, 15, Jawaharlal Nehru Marg, Bailey Road, Patna.
4. The Chairman Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Bailey Road, Patna.
5. The Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Bailey Road, Patna

... .. Respondent/s

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**Appearance :**

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|--------------------------|---|----------------------------------|
| For the Petitioner/s     | : | Mr. Rajesh Kumar Jha, Adv.       |
| For the Respondent-State | : | Mr. Suman Kumar Jha, AC to AAG-3 |
| For the BPSC             | : | Mr. Sanjay Pandey, Adv.          |
|                          |   | Mr. Nishant Kumar Jha, Adv.      |

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**and**

**HONOURABLE MR. JUSTICE HARISH KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)**

**Date : 14-03-2023**

Heard Mr. Rajesh Kumar Jha, learned advocate for the petitioner, Mr. Sanjay Pandey, learned advocate for the B.P.S.C. and Mr. Suman Kumar Jha, learned advocate for the State.

The petitioner had participated in the 30<sup>th</sup> Bihar Judicial Services Competitive Examination of Civil Judge (Junior Division) in the unreserved category and



had secured 517 marks, the cut off marks for unreserved category, but was not selected.

It has been contended by the learned advocate for the petitioner that wrongly persons belonging to the reserved category were appointed against unreserved seats, thereby excluding the petitioner and many others. Lastly, it has been contended that assuming but not admitting any contention raised on behalf of the Bihar Public Service Commission, according to the directions given by the Supreme Court in **Malik Mazhar Sultan** and followed in **Swati Chaturvedi**, a wait list had to be prepared and had to be considered in the next/ensuing examination.

Mr. Sanjay Pandey, learned advocate for the B.P.S.C., on the other hand, has submitted that only those persons with lesser marks were accommodated who were given the benefit of horizontal reservation because of there being disabled and such candidates of the reserved category who had secured the cut off or more marks for the unreserved category. The further scheme of evaluation by the Commission was that in case of two candidates having equal marks in written examination, the candidate obtaining higher marks in



optional paper would stand at higher merit serial. In case two candidates having equal marks in optional papers also, the older candidate in age (as per the date of birth) would stand at higher merit serial and in case of two candidates having same date of birth, merit serial would be determined according to the name of the candidates as per the alphabet of Devnagari script.

It appears that one person in general category, namely, Swati Chaturvedi had also obtained 517 marks, but she has been selected under the orders of this Court as also for the reason that she had obtained more marks in optional papers (238) than the petitioner who had obtained 235 marks in the optional paper.

The learned advocate for the Commission has also drawn the attention of this Court to various other facts including the recall of the order passed in the case of another candidate, namely, Jyoti Joshi and that all the vacancies have been filled by now. The 31<sup>st</sup> Judicial Examination also has been conducted and results have been published. For the 32<sup>nd</sup> Judicial Examination, advertisement has already been published.



Thus, the claim of the petitioner that he has wrongly been excluded is incorrect.

For the aforementioned reason, we do not find any merit in this petition and is thus dismissed.

**(Ashutosh Kumar, J)**

**( Harish Kumar, J)**

rohit/sunil

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| AFR/NAFR          | NAFR       |
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