

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10395 of 2022

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Arun Kumar Barnwal Son of Sri Prem Chandra Prasad, resident of Village - Sasamusa, P.O. - Sasamusa, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, New Secretariat, Patna.
2. Director (Administration) Education Department, New Secretariat, Patna.
3. Bihar Public Service Commission, Patna through its Chairman, Bailey Road, Patna.
4. Secretary Bihar Public Service Commission, Patna Bailey Road, Patna.
5. Joint Secretary -cum-Examination Controller, Bihar Public Service Commission, Patna Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pratap Sharma
For the State	:	Ms. Namrata Singh, AC to Ex. GA 12
For the BPSC	:	Mr. Kaushal Kishore Jha, Sr. Adv. Mr. Uday Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 14-12-2023 The petitioner has prayed for quashing of the final result, published on 28.02.2022, by the Bihar Public Service Commission (in short, 'the Commission'), for appointment on the post of Lecturers in the Government Training Colleges, pursuant to the Advertisement No. 06/2016.

2. The brief facts of the case is that an advertisement was published in the year 2016, bearing Advertisement No. 06/2016, and applications were invited for the posts of Lecturers in the Government Training Colleges. The total number of posts of Lecturers advertised was 478.



3. The case of the petitioner is that he applied pursuant to the advertisement and qualified in the written examination, having Roll No. 600864. Vide letter, dated 23.11.2021, the petitioner, including other candidates, was called for interview and final result was published on 28.02.2022. A revised result was published on 05.07.2023 in view of the order passed by this Court, in L.P.A. No. 377 of 2021 and analogous appeals.

4. The name of the petitioner does not find place in the final result. The petitioner received information through the website of the Commission, from which it is evident that the petitioner obtained 48.724 marks; whereas in the common group, the cut off marks of the petitioner's category, i.e. Backward Class Category, is 49.493.

5. Learned Counsel for the petitioner argues that on 04.03.2022 and 17.03.2022, the petitioner filed representations before the Commission, contending therein that he has correctly answered 32 questions in the written examination, but due to wrong answers/options, only 30 marks has been allotted to the petitioner. He further submits that the principle of roaster has also not been followed and on the basis of forged training certificates, the result of other candidates has been published.



He next contends that the Commission, on the application of one Sanjay Kumar, has amended the result by rectifying the marks on 01.04.2022, but the representations of the petitioner have not been considered by the Commission. At last, the petitioner contends that on 11.04.2022, the petitioner filed a representation before the Commission with regard to publication of his result. The Commission, vide letter, dated 02.05.2022, supplied information to the petitioner regarding combined merit list and answer sheet of the petitioner. From perusal of the same, it is clear that answer nos. 24 and 30 is wrong and the petitioner has represented in this regard on 30.06.2022, which has also not been considered.

6. On the other hand, learned Counsel for the Commission submits that the Commission, on 28.09.2018, published an important notice in the daily newspaper and on the website of the Commission, intimating the candidates that provisional answer key of the Booklet Series A, B, C and D, will be available on its official website from 29.09.2018. It was further informed that any candidate having any objection with regard to provisional answer key of any question, they can submit their objections/suggestion, supported by reliable source/evidence, to the Commission till 5 PM on 08.10.2018



and no objections/suggestions will be considered if received after 5 PM on 08.10.2018. He next submits that as per the norms of the Commission, the answer key prepared by the question setter is checked and scrutinized by a committee, consisting of experts.

7. The Commission received altogether 140 objections/suggestions with regard to the provisional answer key. The Expert Committee was of the opinion that out of 60 questions, the option of only four questions, i.e. question nos. 24, 35, 39 and 58 of Question Booklet Series A have to be changed because the provisional answer key of these questions were wrong. Then the Expert Committee made the final answer key of all the 60 questions and in the meeting, dated 23.02.2019, the Commission decided to approve the final answer key prepared by the Expert Committee. In the light of the approved final answer key of all the 60 questions, the evaluation of the answer sheets of the candidates was done and subsequently, the result of the written examination was published.

8. Thereafter, a combined merit list was prepared on the basis of the marks obtained by the candidates in the written examination, academic marks and interview. The selection was made as per merit list. The recommendation of the successful



candidates were sent to the Department concerned by the Commission, vide letter no. 01, dated 05.04.2022.

9. He next submits that the petitioner could not be declared successful because he has obtained only 48.724 marks, which is less than the cut of marks of his category, i.e. 49.493, in the common group. He next submits that now, the selection process is over.

10. I have heard learned Counsel for the parties concerned and have gone through the materials available on record.

11. The Expert Committee, after considering all the objections/suggestions submitted by the candidates with regard to the provisional answer key found four answers/options of question nos. 24, 35, 39 and 58 of Question Booklet Series A incorrect, which have been changed by the Expert Committee. The Commission has approved the opinion of the Expert Committee and in the light of the approved final answer key, the evaluation of the answer sheets of the candidates were done.

12. The petitioner has not brought on record any material to show that he filed any objection with regard to the provisional answer key pursuant to the notice published by the Commission.



13. The contention of the petitioner with regard to one Sanjay Kumar to the extent that his marks was amended subsequently, but the fact of the matter is that there is no change of marks of Sanjay Kumar and only his name was included in the final merit list as he had secured more than the cut off marks, but somehow his name was left out in the final merit list.

14. The petitioner has not substantiated his submission regarding non-adherence to the principle of roaster and also regarding the selection of some other candidates on the basis of forged training certificates.

15. In view of the aforesaid submission and the materials available on the record, I do not find any merit in this writ application.

16. This writ application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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