

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11880 of 2023**

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1. Arjun Kumar Singh Son of Sriram Singh, Resident of Seva Sadan, Netrahin Vidyalaya, Bara Telpa, P.S.-Jiradei, District- Saran at Chapra.
  2. Sudhir Kumar Jaiswal, Son of Nand Kishore Jaiswal, Resident of village-Wajitpur Chak Kasturi, P.S. Vaishali, District- Vaishali.
  3. Md. Firoz, Son of Md. Faheem, Resident of Khan Mirza Neemtal, P.S. Sultanganj, Mahendru, District- Patna.
  4. Khalid Hasan, Son of Qamrul Hasan, Resident of Narkatiya, Punarvarasan, P.S. and District Muzaffarpur.

... .. Petitioners

Versus

1. Bihar Public Service Commission, through its Secretary Having its office at Bailey Road, Patna.
2. Department of Education, through its Principal Secretary Having its office at New Secretariat, Patna.
3. Department of General Administration, through its Principal Secretary, Having its office at New Secretariat, Patna.
4. Department of Social Welfare, through its Secretary, New Secretariat, Patna

... .. Respondents

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**Appearance :**

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| For the Petitioners | : | Ms. Sugandha Prasad, Advocate       |
| For the State       | : | Mr. P.K. Shahi, AG                  |
|                     |   | Mr. Madhaw Prasad Yadaw, GP-23      |
|                     |   | Mr. Rajesh Kumar Sinha, AC to GP-23 |
|                     |   | Mr. Anjani Kumar, AAG-4             |
| For the BPSC        | : | Mr. Lalit Kishore, Sr. Advocate     |
|                     |   | Mr. Sanjay Pandey, Advocate         |

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      22-08-2023                      This case has been notified on mentioning made by learned counsel for the petitioners on finding that it relates to visually challenged candidates and a batch of writ petitions pertaining to the same examination is already fixed at 02:15 P.M.

2. Heard Ms. Sugandha Prasad, learned counsel for the petitioners, Mr. Anjani Kumar, learned AAG-4 for the State



and Mr. Sanjay Pandey, learned counsel for the Bihar Public Service Commission (hereinafter referred to as the 'BPSC').

3. There are four petitioners in this case who are seeking the following reliefs:-

‘A) Issuance of a writ of mandamus or any other appropriate writ, order of directions thereby directing the respondents particularly respondent no. 1 to permit the visually impaired applicants/petitioners to use the scribe in the examination for recruitment of teachers pursuant to advertisement No. 26/2023 dt. 30.05.2023 issued by respondent no. 1 on behalf of respondent no. 2 including the option to take their own scribe in terms of Govt. of India office Memorandum No. F-34-02/2015-DD-III dt. 29.8.2018 as adopted by respondent no. 3 for the State of Bihar vide office memorandum No.11/Aa./Nyay-30/2021 Aa.Pra. 10668 dt. 29.6.2022 and for a prayer for further direction to the respondent no. 1 not to insist upon the furnishing of medical certificate in terms of ANNEXURE-A to the said office memo dt. 29.6.2022d as the same is applicable only to other persons with other disabilities than the blind candidates in terms of the said office memorandum dt. 29.8.2018 of Govt. of India.

B) Issuance of a writ of mandamus or any other appropriate writ order or direction thereby directing the respondents particularly respondent no. 1 to change the examination centres of the applicants/petitioners and allot them an examination centre at or near their home divisions by applying the principle of reasonable accommodation in terms of section 3 of RPWD Act 2016 and accordingly issue revised admit cards to the applicants with the changed examination centre and also with the said office memorandum dt.29.6.2022 of respondent no. 3 for ensuring that the applicants and similarly situated visually



impaired candidates are not deprived of their right to appear in the exam as a result of any confusion at the examination centre about the applicability of the said scribe guidelines.'

4. At this stage, learned counsel for the petitioners submits that since the examination is scheduled to start only after a day i.e. from 24<sup>th</sup> August, 2023 to 26<sup>th</sup> August, 2023, she would confine her prayer with respect to the prayers made in paragraph '1(A)' and would not press this writ application for change of the examination centers.

5. Learned counsel, however, submits with reference to the Minutes of the joint meeting held on 26.06.2023 between the representative of the National Federation of the Blind, Bihar Branch and Bihar Association of Person with Disability as contained in Annexure 'P/6' that certain decisions were required to be taken as per the suggestions which came in the said meeting, therefore, this Court may at least consider issuing a direction to the respondents to take an appropriate decision in the light of the discussions and suggestions as contained in Annexure 'P/6' to the writ application so that in future at least some of the suggestions may be given effect to.

6. Mr. Anjani Kumar, learned AAG-4 representing the State submits that Annexure 'P/6' will be looked into and examined before the next selection process and an appropriate



decision shall be taken in respect thereto.

7. So far as the prayer made in paragraph '1(A)' is concerned, learned counsel for the BPSC has, on instruction, submitted that all those candidates who filled up their application form as disabled candidate and provides their requirement of a scribe, they are being provided a scribe by the concerned Centre Superintendent. Learned counsel submits that the petitioners cannot be allowed to take their own scribe in the examination centre.

8. Attention of this Court has been drawn towards Annexure 'P/3' to the writ application which contains the decision of the General Administration Department, Government of Bihar in accordance with the provisions of the Rights of Persons with Disabilities Act, 2016. It is pointed out that as per Section 2(r), a person having benchmark disability shall be made available the facility of a scribe, however, he has to choose a scribe of his own choice from amongst the scribes whose names are mentioned in the panel prepared by the Centre Superintendent. The other guidelines are also provided in Annexure 'P/3'.

9. Learned counsel for the BPSC submits that the BPSC is following the said decision of the Government and the



petitioners in this case shall be provided a scribe from amongst the panel by the Centre Superintendent and they can choose any scribe of their choice from the said panel.

**10.** In view of the stand taken by the BPSC as noted above, learned counsel for the petitioners submits that this writ application may be disposed of in terms of the statements given by the learned counsel for the BPSC.

**11.** This writ application is accordingly disposed off.

**(Rajeev Ranjan Prasad, J)**

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