

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19702 of 2015

Dr. Devkant son of Late Tarkeshwar Prasad, resident of village- Kagji
Mohalla, P.O.- Siwan, P.S.- Siwan, District- Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Health Department,
Bihar, Patna.
2. Bihar Public Service Commission, Patna, through its Chairman
3. Secretary, Bihar Public Service Commission, Patna
4. Joint Secretary-cum-Controller of Examinations, Bihar Public Service
Commission, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Abhinav Srivastava, Advocate
For the State	:	Mr.D.K. Prasad, GP-7
For BPSC	:	Mr.Sanjay Pandey, Advocate
		Mr.Nishant Kr. Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-10-2023 1. The present writ petition has been filed seeking the
following relief(s):-

“1(i) Issuance of a direction, order or writ including writ in the nature of certiorari quashing the result dated 15.11.2015 published by the Bihar Public Service Commission, Patna (hereinafter referred to as "the Commission") with respect to the petitioner by which the petitioner has been shown to have secured 41 marks as a candidate belonging to the Backward Category whereas the cut off marks for selection of candidates against the post of General Medical Officer in terms of advertisement no. 15/2014 published by the



Commission for candidates belonging to the said category has been indicated as 42.49 and resultantly, the petitioner has failed to qualify:

(ii) Issuance of direction, order of writ including writ in the nature of mandamus commanding the concerned respondent authorities under the Commission to take steps towards awarding marks to the petitioner as per the scheme enumerated in advertisement no.15/2014 published by the Commission inviting applications from eligible candidates for consideration of their cases for appointment against the post of General Medical Officer in the Bihar Health Services;

(iii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Commission to take steps towards awarding marks in terms of weightage to the petitioner as indicated under advertisement no. 15/2014 published by the Commission for the experience gained by the petitioner while working as a doctor in government hospitals on contract basis as indicated under clause 5(iii) of the said advertisement;

(iv) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities to take steps towards re-



evaluation/re-totaling of the marks awarded to the petitioner while considering his case for selection and appointment as General Medical Officer under Bihar Health services in terms of the provisions contained under clause 5 of the advertisement no. 15/14 published by the Commission;”

2. At the outset, the learned counsel for the respondent-Bihar Public Service Commission has submitted that the petitioner has secured only 41 marks in his category, as against the cut-off marks of 42.49, in the backward category, hence the petitioner could not be selected, a fact, which is not refuted by the petitioner.

3. Having regard to the aforesaid facts and circumstances of the case, this Court finds that since the petitioner could not secure the minimum cut-off marks/marks obtained by the last selected candidate in the backward category, he has rightly not been selected, thus the present writ petition stands dismissed being bereft of any merit.

(Mohit Kumar Shah, J)

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