

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16965 of 2022

1. Shweta Anand, Daughter of Birju Prasad, Resident of Flat No. 302, Sant Vihar Apartment, Kadam Kuan, Patna-800003, Bihar.
2. Sandeep Kumar, Son of Bijay Kishore Choudhary, Resident of 2L-78, Sant Niwas, Bahadurpur Housing Colony, Sampatchak, B.H. Colony, Patna, Bihar-800026.
3. Kumar Chiranjeev Rai, Son of Ravindra Kumar Yadav, Resident of Pesu Pol No. 5, B-3, Bihar Niwas, Station Road, Patna G.P.O., Patna, Bihar-800001.
4. Rekha, Daughter of D.K. Singh, Resident of D302, Shivaji Colony, ASC Butchary Dhandhera, Haridwar 247666, Uttarakhand.
5. Rohit Anand, Son of Binod Kumar Gupta, Resident of Chaudhary Mubarak Ali, Hajipur, Vaishali, Bihar-844101.
6. Vikash Kumar, Son of Dilip Chaudhary, Resident of Ward No. 02, Nimtal, Khushrupur, Patna, Bihar-803202.
7. Mohd. Tahir, Son of Ali Hassan, Resident of Village-Bhangeri, Mahawatpur, District-Haridwar 247667, Uttarakhand.
8. Farook, Son of Rao Akbar Ali, Resident of House No. 548, Sikrauda, Haridwar, Uttarakhand-247661.
9. Sandhya Patel, Wife of Ravikant Nirala, Resident of Bahadurpur, Bhagalpur, Sabour, Bihar-813210.
10. Janardan Kumar, Son of Basant Ram, Resident of G.T. Road, Near MICO, Sasaram, Rohtas, Bihar-821115.
11. Vibha Mishra, Daughter of Narendra Kumar Mishra, Resident of 383, Senduli Benduli Kajakpur, Badgo, Bargo, Gorakhpur, Uttar Pradesh-273016.
12. Priyanka Shawarn, Daughter of Nagendra Prasad Singh, Resident of Bhootnath Road, Near Hanuman Mandir, M.I.G. sec-6, Block-01, Flat 14, Patna, B.H. Colony, Bihar-800026.
13. Sapna Kumari, Daughter of Gauri Nandan Prasad, Hanuman Nagar, Vivek Vihar Main Road, Ranjan Niwas, Thana Patrakar Nagar, Kankarbagh, Patna, Bihar-800020.
14. Rita Yadav, Wife of Chandra Bhushan Prasad, C/o Bhola Singh, Korea, Saran, Bihar-841414.
15. Shilpa Vishivkarma, Daughter of Dharmendra Vishivkarma, Sugar Mill, Siwan, Bihar-841226.
16. Uzma Khatoon, C/o Shakeel Ahamad, Bhitani, Gorakhpur, Uttar Pradesh-273015.
17. Manindra Kumar Singh, son of Mahanand Prasad Singh, Bhokilapur, Mirzapur, Nalanda, Bihar-801302.
18. Rashmi Sharma, Daughter of Kalicharan Sharma, 26/7, Chandpur Road, Suryanagar-1, Bulandshahr, Uttar Pradesh-203001.
19. Yasmeen Begum, Daughter of Shafeeqe Ahmad Khan, Gehuwasagar, Post-Borgo, Gorakhpur, Uttar Pradesh, PIN-273016.



20. Kumari Simran, C/o Shiv Nandan Singh, Mahajan Toli No. 1, Jain Lal Manjan Factory, Arrah, Bhojpur, Bihar-802301.
21. Namrata Singh, Daughter of Maniram Singh, Resident of Malipur Badalapur Parav, Kutchehry Sadar, Jaunpur, Huseenabad, Mariahu, Uttar Pradesh-222002.
22. Chetna Rani Wife of Ajit Singh, Resident of 127, Sega Jagatpur, Bulandshahr, Uttar Pradesh-245407.
23. Archana Sinha, Daughter of Sachidanand Sinha, Resident of Purana Bihora Market, Digha Ghat, Dinapur-cum-Khagaul, Patna, Bihar-800011.
24. Nitu Kumari, Daughter of Ashok Kumar, Resident of Bichali Khandak, Bihar Sharif, Nalanda, Bihar-803101.
25. Divyani Shruti, Daughter of Ram Niwas Prasad, Resident of Dahiwar, Buxar, Bihar-802116.
26. Shruti Singh, Daughter of Rana Rajesh Singh, K46/176, Hartirath, Vishesharganj, Varanasi, Uttar Pradesh-221001.
27. Khushbu Kumari, Daughter of Sachidanand Jha, Ward No. 09, Village-Ekamba, P.S.-Jalalgarh, Purnia, Bihar-854327.
28. Shambhu Kumar, Son of Late Panchkauri Ram, House NO. C-79A, 2nd Floor, Gali No. 3, Hardev Nagar, Jharoda Mazra, Burari, North Delhi, Delhi-110084.
29. Brijesh Kumar Singh, Son of Lachhan Dhari Singh, Resident of Shuklaha, Surya Shiv Puram Colony, Durga Shiv Mandir, Mahuarua, Mirzapur, Uttar Pradesh 231001.
30. Vijay Shankar Singh, Son of Bishwanath Singh, Resident of Ward No. 09, Chhawani Muhalla, Bhabua, Kaimur (Bhabua), Bihar-821101.

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Main Secretariat, Patna-800015.
2. The Chairman, Bihar Public Service Commission (BPSC), 15, Nehru Path (Bailey Road), Patna-800001 (Bihar).
3. The Controller of Examination, BPSC, 15, Nehru Path (Bailey Road), Patna-800001 (Bihar).
4. The District Magistrate, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Principal, Devi Pad Choudhary Shaheed Smarak (Miller) Uchcha Madhyamik Vidyalaya, Veerchand Patel Path, Patna-800001.
7. The Principal, Shaheed Rajendra Prasad Singh Rajkiya Uchcha Madhyamik Vidyalaya Plus2 (Patna High School), Gardanibagh, Patna-800002.
8. The Principal, M.A.A. Uchcha Madhyamik Vidyalaya, Patna City, Patna-800008.

... .. Respondents

Appearance :

For the Petitioners : Ms. Shweta Anand, Advocate



For the State : Mr. Dhurendra Kumar, AC to GP-5
For the BPSC : Mr. Sanjay Pandey, Advocate
Mr. Nishant Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-03-2023 Heard learned counsel for the petitioners, Mr. Sanjay Pandey, learned counsel for the Bihar Public Service Commission (in short 'BPSC') and Mr. Dhurendra Kumar, learned AC to GP-5.

2. The petitioners in the present case are seeking a direction to the competent authority to allow them to take the examination of General Studies paper of the Assistant Prosecution Officer Main (Written) Competitive Examination conducted vide Advertisement No. 01/2020 published by the BPSC.

3. The examination was held on 12th November, 2022. It is the grievance of the petitioners that even as they had reached at the examination centre well within time, due to commotion prevailing there, they could not reach to the entry point before 08:30 A.M. They have stated that at exam centre, Shaheed Rajendra Prasad Singh Rajkiya Uchcha Madhyamik Vidyalaya +2 (Patna High School), Gardanibagh, Patna-800002, there were two gates at the centre at a distance of 500 meters. Two examinations were being conducted at the said centre and there was no mention at the gate from which the petitioners had



to enter.

4. As regards the other centre, M.A.A. Uchcha Madhyamik Vidyalaya, Patna city, it is alleged that the address has not been clearly shown on the admit card which caused some delay in reaching to the centre and the concerned petitioners who had to appear from the said centre reached at border time i.e. 08:31 A.M. The gate had been closed at 08:30 A.M.

5. Regarding yet another examination centre at Devi Pad Choudhary Shaheed Smarak (Millar) Uchcha Madhyamik Vidyalaya, Veerchand Patel Path Patna, it is stated that the petitioners reached at the centre at 08:30 A.M. on that very day and they were handing over their bags to their guardians, parking their vehicles and in the meantime, they saw that the entry gate was closing at 08:30 A.M. without any prior announcement. The grievance of the petitioners is that because of the mismanagement, chaos and commotion prevailing at the centres, they could not make their entry by 08:30 A.M.

6. On the last date, when the matter was taken up for consideration, vide order dated 21.02.2023, this Court called upon the Chairman, BPSC to look into the grievance of the petitioners particularly, the complaint in form of one e-mail



dated 15th November, 2022 which was sent to the BPSC. This Court expected that the Chairman, BPSC will satisfy himself with the conditions prevailing at the examination centres and a comprehensive counter affidavit shall be filed on behalf of the BPSC.

7. Today, Mr. Sanjay Pandey, learned counsel for the BPSC has submitted before this Court that he has received the report along with the decision of the BPSC in compliance of the order of this Court but the same could not be placed on affidavit for want of time. Since this matter relates to an examination, this Court thought it just and proper to go through the report and take a prima-facie view with a further decision as to in the facts of the case whether the matter is to be adjourned.

8. On going through the report, this Court finds that the BPSC has held a meeting on 06.03.2023 in which the complaints received vide e-mail and the statements made in the writ application have been examined. It is the stand of the BPSC that only one e-mail dated 15.11.2022 had been received in which it was alleged that there was too much crowd at the centre and there was no signage giving correct information/direction about the correct entry gate which delayed the petitioners considerably and after reaching the correct entry gate at 08:32



A.M., it was found closed.

It is the further stand of the BPSC that as per the instructions given to the candidates, they had to reach the examination centre at least two hours before the start of the examination. They were duly advised so in their admit cards and the relevant guidelines. It is further stated that from the attendance figures, it would appear that most of the candidates entered the exam centre and they had taken the exam. In the three centres stated above, in the first sitting 501, 390 and 487 candidates respectively appeared whereas in the second sitting 525, 415 and 496 candidates respectively made their presence to write the examination. It is, thus, the stand of the BPSC that only a handful of candidates could not appear in the first sitting as against the second sitting and so far as the closure of the entry gate is concerned, it is admitted that the gate was closed only at 08:30 A.M. which was the stipulated time.

9. Having regard to the report of the BPSC and the statements made in the writ application, this Court finds that admittedly the petitioners reached at the entry gate after 08:30 A.M. which was the closure time of the gate. Some of the candidates reached at 08:31 A.M. and some of them at 08:32 A.M. Only one complaint was made to the BPSC, though the



writ application has been filed by altogether 30 petitioners. The complaint was made on 15.11.2022 i.e. three days after the date of examination.

10. To this Court, it appears that the conduct of an examination is in the administrative domain of the BPSC. In the facts of the present case where there is no glaring example of mismanagement and the admitted position appears from the writ application that the candidates reached at the entry gate after 08:30 A.M., this Court finds no reason to exercise its extraordinary writ jurisdiction which is in the nature of a discretionary relief to make an inquiry into the matter and/or sit over the decision of the BPSC for that this Court is not acting as an appellate authority over the decision of the BPSC.

11. In the circumstances, this writ application is dismissed.

12. Let the copy of the report of the Centre Superintendent be kept on the record.

(Rajeev Ranjan Prasad, J)

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