

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2612 of 2022

In
Civil Writ Jurisdiction Case No.9089 of 2022

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1. The High Court of Judicature at Patna Through its Registrar General
 2. The Registrar General High Court of Judicature at Patna
 3. The Registrar Appointment High Court of Judicature at Patna
 4. The Selection Committee District Judge (Entry Level) Direct from Bar Exam -2021, High Court of Judicature at Patna

... .. Petitioner/s

Versus

Amit Kumar Son of Ram Bahadur Singh Resident of village and Post - Bihat, Tola - Maksaspur, Near Kali sthan, District Begusarai, Bihar - 851135. At present Resident of Mohalla - C-86, Rajpur Khurd Extension, P.S. South Delhi, District - Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Lall, Advocate

For the Opposite Party/s : Mr. Alok Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 31-01-2023 Heard Mr. Piyush Lal, learned Advocate for the

High Court and Mr. Alok Kumar Jha for the respondent.

The present application is for modification of

the judgment dated 11.08.2022 passed by this Court.

This Court had found that the key answer to

Question No. 54 in the Preliminary Test of District Judge

(Entry Level) Direct from Bar Examination 2021 was



incorrect as the answer to the question should have been 'B' i.e. 'American Constitution'.

Finding the key answer to be wrong, this Court had suggested an exercise to be conducted by the High Court for remedying the situation and reducing the cut-off marks and simultaneously taking separate examination of those who would be above the cut-off marks, after its reduction, when answer to Question No. 54 would be changed.

The judgment passed by this Court was placed before the Selection and Appointment Committee which in its meeting held on 02.09.2022 resolved as follows:

"The committee resolves to place the matter before the then Expert Committee in the light of the judgment dated 11.08.2022 passed by Hon'ble Division bench of this Court in CWJC No. 9089 of 2022 titled Amit Kumar Versus The High Court of Judicature at Patna & Ors. The committee further resolves that the concerned agency be directed to prepare a tentative merit list on evaluation of the OMR answer-sheets and prepare a report as if the answer 'B' to question no. 54 were correct in place of 'A' in model answers of questions relating to the Screening Test held on 06.03.2022 under the District Judge (Entry



Level), Direct from Bar Exam-2021."

18. That accordingly the Hon'ble Selection and Appointment Committee in its meeting held on 4.9.2022 after considering the above said matter resolved as follows:- "The Committee considered the matter in graceful presence of Hon'ble Mr. Justice Ashwani Kumar Singh, JAD-II & Hon'ble Mr. Justice Rajeev Ranjan Prasad and having a re-look on its decision in light of the judgment resolves to change the model answer of question no. 54 from the "A" to "B"."

In compliance of the afore-noted decision of the Selection and Appointment Committee, tabulation chart and a tentative list was prepared on the basis of evaluation of 96 questions of the Screening Test including Question No. 54 thereof with its correct module answer as Option-B in place of Option-A. The tabulation chart so prepared reflected the desirability of lowering the cut-off marks. The Selection and Appointment Committee of the High Court thereafter in its meeting held on 17.09.2022 again resolved as follows:

"In compliance of the Hon'ble Court's judgment dated 11.08.2022 passed in CWJC No. 9089 of 2022 (Amit Kumar vs. The High



Court of Judicature at Patna), the then existing Expert Committee in its meeting held on 04.09.2022 has concluded that the model answer of Question No. 54 should be changed with option "B" as the correct option instead of "A". In view of the resolution dated 04.09.2022, a fresh merit list has been placed before the Committee with option "B" as correct answer of Question No. 54. In light of the Hon'ble Court's observation in Paragraph 32 of the Judgment dated 11.08.2022 passed by this Court and keeping in mind the aforesaid revised merit list, the Committee has resolved to re-fix the cut-off marks of open merit candidates to 177 since the candidates with minimum marks of 177 of the revised open merit list have been allowed to participate in the Main (Written) Examination. Similarly, in respect of BC category candidates, the cut-off is re-fixed as 146 and that of EBC category at 116. One SC candidate has qualified based on revision of marks who was earlier disqualified. Cut-off marks for SC category candidates is fixed at 115. The revised cut-off for UR(F) category candidates is fixed at 159 based on revised merit list. This exercise so undertaken by the Committee will save the candidature of such candidates who had been allowed to participate in the Mains (Written) Examination which was held on 24.7.2022. The Committee further resolves that let a list be prepared of such candidates who are to be declared successful for the Main (Written) Examination in light of the aforesaid exercise, category wise. The Committee recommends, in light of this Hon'ble Court's judgment dated 11.08.2022 to hold a separate Main (Written) Examination, for such candidates only who would have now been declared successful for



the Main (Written) Examination but because of incorrect model answer of question no. 54, they could not qualify earlier. While holding separate examination the Committee shall keep in mind that the candidate who have now been declared successful may have to undergo the same level and standard of test in the Main (Written) Examination so that no prejudice is caused to either the candidates who had already appeared and those who would be appearing on the basis of fresh merit-list. It is further recommended, if required, the Hon'ble Court on its administrative side may seek clarification/modification from the Hon'ble Court in judgment dated 11.08.2022 in CWJC No. 9089 of 2022 (Amit Kumar vs. The High Court of Judicature at Patna) in view of the situation emerging from the decision of the Committee."

The afore-noted resolution of the Selection and Appointment Committee had the approval of Hon'ble the Chief Justice *vide* minutes dated 19.09.2022.

In compliance of the above, a fresh chart was prepared, requiring a fresh examination of 28 candidates in place of 10 candidates as held in the judgment dated 11.08.2022.

For the reasons stated in the application the requisite modification in the order dated 11.08.2022 is allowed.



Let the examination of 28 such candidates excluding the respondent who has already taken the Mains Examination be conducted at the earliest and result be published, so that there is no further delay in concluding the appointment process.

The judgment dated 11.08.2022 is modified to the extent indicated above.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

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