

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4062 of 2020

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Gulshan Kumar Singh, Son of Sanjay Kumar Singh, Resident of Village Baruatta, P.O. Amarath, P.S. Jamui, District- Jamui, District- Jamui, at Present residing at Village of Narayanpur, P.O. Manikpur, P.S. Indrapuri, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Patna.
2. The Principal Secretary, Department of Home Government of Bihar, Patna.
3. The Director General of Police, Govt. of Bihar, Patna.
4. The Inspector General of Police (Head Quarter), Patna.
5. The Chairman, Bihar Police Sub- Ordinate Service Commission, Santosh Mansion, B. Block, Raghunath Path, Danapur, Patna.
6. The Secretary, Bihar Police Sub- Ordinate Service Commission, Santosh Mansion, B. Block, Raghunath Path, Danapur, Patna.
7. The Office On Special Duty, Bihar Police Sub- Ordinate Service Commission, Santosh Mansion, B. Block, Raghunath Path, Danapur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Rajpati, Adv.
For the State	:	Mr. P.K.Verma (AAG-3)
For BPSSC	:	Mr. Kunal Tiwary, Adv.
		Mr. Aniket Singh, Adv.
		Mr. Anupam Raj, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 09-02-2024 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for Bihar Sub-ordinate Service Commission.

2. The present writ petition has been filed directing the respondents to make selection of the petitioner on the post of Sub-Inspector of Police in general category in pursuant of Advertisement No.01/2017 as the final cut-off marks for final



selection in general category is 136.2, whereas, the petitioner possessed 137 marks in the main examination of Sub-Inspector of Police.

3. Learned counsel for the petitioner submits that the petitioner has participated in the examination published *vide* advertisement no.01/2017 by Bihar Police Sub-ordinate Service Commission for recruitment of Sub-Inspector of Police in the State of Bihar in which 1717 posts were notified. Counsel also submits that the petitioner appeared in the examination process and admit card was also issued to him. The petitioner appeared in the preliminary examination and also appeared in the mains examination. It has been submitted that the mains examination was conducted on 22.07.2018, but the result of the petitioner was not published for taking part in the physical efficiency test. Then, the aggrieved candidates including the petitioner preferred Civil Writ Jurisdiction Case No. 17302 of 2018 which was disposed of on 31.10.2018. Counsel further submits that final cut-off marks of all categories was published on the official website. The final selection in several category was done obtaining 136.2 marks in mains examination, whereas, the petitioner obtained 137 marks in mains examination which was more than cut-off marks. Conclusively, the petitioner submits



that those candidates who obtained 136.2 marks were finally selected, but the petitioner who has obtained 137 marks in the mains examination was not selected.

4. Learned counsel for the Bihar Sub-ordinate Service Commission submits that with the complete adjudication, it is necessary to explain the selection process for the post of Sub-Inspector. Counsel submits that the entire selection process is divided into four stages namely preliminary examination, mains examination, then physical evaluation test and thereafter, final result. It has been specifically submitted that those candidates who qualifies the cut-off marks for preliminary examination were selected for the mains examination and those candidates who were selected for mains examination has to qualify the cut-off marks of the mains examination and then eligible for appearing in the physical evaluation test. In the physical evaluation test, if the candidates found physically fit by the Selection Board, then their final result shall publish. Counsel further submits that the present petitioner qualified the cut-off marks for preliminary examination and thereafter, he was permitted to appear in the mains examination. In the mains examination, the petitioner obtained 137 marks being the general candidate, but the cut-off marks for qualifying the mains



examination was 137.2 marks for the general candidates. Therefore, the petitioner could not qualified the mains examination and hence, he was not found fit to appear in the physical evaluation test.

5. Learned counsel for the Bihar Sub-ordinate Service Commission further submits that the many of the meritorious candidates who obtained more than 137.2 marks were permitted to appear in the physical evaluation test, but, they got disqualified and in result, the final cut-off marks reduced to 136.2 marks and there is no illegality done with the petitioner. Counsel also submits that such type of matter has also been tested by the co-ordinate Bench of this Court subsequently, challenged in Division Bench and finally the said order has been approved by the Hon'ble Supreme Court also in ***Letters Patent Appeal No.1648/2018*** reported in ***2019(2) PLJR 416 and in SLP(C) No. 007713-007714 of 2019.***

6. In the light of the submissions made by the parties, it transpires to this Court that the mode of evaluation as explained by the Bihar Sub-ordinate Service Commission may resulted into high marks in the mains examination, but lower than cut-off marks in the final select list, as it happened in case of the petitioner, and therefore, this Court is of



the firm opinion that there is no need of any interference.

7. With the aforesaid observations, this writ petition is
hereby dismissed.

(Dr. Anshuman, J.)

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