

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4309 of 2024

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Priti Kumari C/o Chandan Kumar Jha, (D/o Bindeshwari Jha), Ward No. 15, Arma, Arma Anchal- Surajgarha, Panchayat Bhawan, Arma, Lakhisarai, Bihar, PIN - 811309, UIDAI Aadhar No. 529880421967.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Old Secretariat, Patna, Bihar PIN - 800015.
2. The Addl. Chief Secretary/Principal Secretary, Department of Education, Old Secretariat, Patna, Bihar PIN - 800015.
3. The Chairman, Bihar Public Service Commission 15, Nehru Path (Bailey Road), Patna - 800001.
4. The Examination Controller (TRE- 2), Bihar Public Service Commission, 15 Nehru Path (Bailey Road), Patna- 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bishwajeet Kumar, Advocate
For the State	:	Md. Rashid Haque, SC 10
For the BPSC	:	Mr. K.K. Jha, Sr. Advocate
		Mr. Amish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-11-2024 Heard the parties.

2. This writ application has been filed for directing the respondent authorities to declare petitioner successful in the School Teacher/ Headmaster Competitive Examination (Adv. No. 27/2023) on the ground that she has obtained total marks of 83, much higher than the cut off marks in EWS (Female) category i.e., 76.

3. Brief facts of the case giving rise to the instant application are that an Advertisement No. 27/2023 was



published for appointment of School Teachers. Petitioner applied for the post of Teachers for Class VI-VII online, according to the instructions given by the respondents. The scheduled date for examination was from 07.12.2023 and on 06.12.2023 (Annexure-P4 series), respondents arbitrarily notified the change in subjects which were chosen by the candidates. Respondents uploaded the cut off marks for selection on 23.12.2023 and according to the result uploaded, the cut off marks for EWS (Female) category was 76.00 (Annexure-P5).

4. Learned counsel for the petitioner submits that immediately, after publication of the result, petitioner downloaded the OMR Sheet available on the website and after calculating her marks, she found that she obtained total marks of 83 apart from qualifying marks in Language and Literature i.e. 17 and despite the same, she was not declared successful.

5. On the other hand, learned counsel for the BPSC, by filing counter affidavit, submits that petitioner appeared in the examination of School Teacher for Class VI-VII in the subject Social Science. The written (objective) examination consisted of three parts. Part-I (Language) was of 30 marks, Part-II (General Science) was of 40 marks and Part-III (Social



Science) was of 80 marks. Part-I exam was only qualifying in nature and as such, the marks obtained in Part-II and Part-III were to be used as first tie breaker. It is further submitted that the response made in OMR sheets were calculated by the OMR reading machine and no interference was made on the data calculated. The details of marks obtained by the petitioner are as under:-

Sl. No.	Name and Roll No.	Gender	Reser- vation Cate- gory	G. Studies marks	Social Studies Marks	Total	Cut- off Marks	Remarks
1	2	3	4	5	6	7	8	9
1.	Priti Kumari 235142	Female	07	27	21	48	71	Lesser marks than cut-off marks

It is clear from column-9 of the above chart that the petitioner has secured only 48 marks which is lesser than the cut off marks 71 in her category i.e. EWS (07-F). Next submission is that the selection process is over and the final result of different subjects in different class were declared on different dates and District has been allotted to successful candidates. As such, the respondent Commission has acted as per the Rules and Regulations and this writ application is devoid of any merit.

6. Considering the rival submission of the parties and the materials available on record, it is apparent that petitioner



got lesser marks than the cut off marks in EWS (Female) category and as such, this court does not find any merit in the instant writ application, the same is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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