

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.994 of 2021

Deepika Jaiswal Wife of Sh. Sudhir Kumar Jaiswal, R/o Village and Post
Obra, Police Station Obra, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar. Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Chairman, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg, Beli Road, Patna - 800001.
4. The Secretary, for Examination Controller, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg, Beli Road, Patna - 800001.
5. The Joint Secretary for Examination Controller, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg, Beli Road, Patna - 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Giri, Adv.
For BPSC		Mr. Sanjay Pandey, Adv.
For the State		Mr. Madhukar Mishra, AC to SC-16

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 11-07-2024 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the B.P.S.C.

2. The present writ petition has been filed for issuance of a writ in the nature of 'Certiorari' whereby and whereunder setting aside the Final result published on 27.02.2020 under the sign and signature of Joint Secretary cum Examination Controller of Bihar Public Service Commission, Patna (hereinafter referred to as 'BPSC') by which the result of the petitioner's written examination has been cancelled in reference to advertisement No. 2/2016 for the appointment of lecturer in Government Teacher Training Colleges for which the



petitioner had made an application for the appointment of lecturer in Government Teacher Training Colleges. Further prayer of the petitioner herein to command and direct the State respondents to appoint the petitioner on a post of lecturer in Government Teacher Training College and, moreover, to provide the marks obtained by the petitioner in the written examination as well as in viva-voce. Again the further prayer of the petitioner is to stay the further selection / appointment process of the eligible candidates in reference to advertisement No. 2/2016 published by the BPSC, Patna.

3. Learned counsel for the petitioner submits that the petitioner had made an application for appointment to the post of Lecturer in Sanskrit Subject in the Government Teachers' Training College with reference to Advertisement No. 2/ 2016. She appeared in common group and Sanskrit group examination and came out with flying colours thereafter joint merit list was prepared in which the petitioner's Roll Number finds place in common group as well as Sanskrit Group examination. After passing the common group and Sanskrit group examination, the petitioner's name was shown in the joint merit list. Thereafter, she was invited to appear in the viva-voce test on 09.12.2019 and 30.12.2019 in which she participated and became



successful. Learned counsel for the petitioner further submits that she received the interview letter in the year 2019 by when she came to know that non-creamy layer certificate must be issued in the name of the father of the female candidate for getting any relief under the reservation policy of the Government. Accordingly, the petitioner got the non-creamy layer certificate issued in the name of her father and submitted the same before B.P.S.C. Patna for scrutiny. He further submits that the final result of the selected candidates in Advertisement No. 2/2016 was published on 27.02.2020 in which the petitioner was treated to be under unreserved category of reservation policy on the ground that she had not furnished the original certificates for scrutiny/verification at the time of interview and since she was found below cut-off marks of the unreserved category, the result of written examination of the petitioner was cancelled. He lastly submits that despite sending her request through the e-mail, the B.P.S.C. Patna has not taken any step towards the grievance of the petitioner, who had fulfilled all the parameters/criteria for appointment to the post of Lecturer in the Government Teacher Training College.

4. A counter affidavit has been filed on behalf of the B.P.S.C. in which it is clearly stated that the petitioner could not



be declared successful finally because she had produced two non-creamy layer certificates, one issued from the State of Bihar on 07.12.2018 and another issued from the State of Chhattisgarh on 20.06.2019 for verification at the time of interview. It is further stated that the petitioner secured 49 marks, which is less than the cut-off marks, 52 of for unreserved (01) Category in the written examination in common group subject and thus, the result of the written examination of the petitioner was cancelled for common group. The petitioner secured 66.433 marks finally which is less than the cut-off marks (75.588) of the Unreserved (01) category for Sanskrit subject. The petitioner secured merit serial 17 in Sanskrit subject whereas the last selected candidate secured merit serial 5 in the said subject, therefore, she could not be selected in Sanskrit subject.

5. Having heard learned counsel for the petitioner and learned counsel for the B.P.S.C. and perusing the materials available on record, I find no fault in selecting the candidates in which the petitioner along with others participated.

6. Accordingly, this writ application is dismissed.

(Anjani Kumar Sharan, J)

devendra/-

U			
---	--	--	--

