

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12232 of 2023

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Rajiv Kumar Sharma S/o-Mahendra Narayan Sharma R/o-Village-
Raghuwarpur, P.O.-Chakhabib, P.s.-Dalsing Sarai, District-Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar
2. The Bihar Public Service Commission, through its Chairman, Bailey Road, Patna.
3. The Secretary, The Bihar Public Service Commission, Bailey Road, Patna.
4. The Special Secretary-Cum-Controller of Examination, the Bihar Public Service Commission, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shubhesh Pandey, Adv.
For the Respondent/s	:	Mr.Manish Kumar, G.P.-4
		Mr. Sanjay Pandey, Adv.
		Mr. Rajni Kant Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 20-03-2024

Heard learned counsels for the parties.

2. The present writ petition has been filed seeking the following relief(s):

1) For issuance of appropriate writ/ writs, direction/directions, in the nature of mandamus directing and commanding the respondent authorities for considering representations of the petitioner regarding objections raised by the petitioner for 7 (Seven) wrongs answers of questions in the final answer key, based on these wrong answers the result has been published, as



such the petitioner has been arbitrarily declared disqualified by 0.5 marks in Written test (objective) solely on the basis of wrong answer key in connection with advertisement No.20 of 2020 dated 17.08.2020 published by the Bihar Public Service Commission (hereinafter referred to as "B.P.S.C." for short) for the selection and appointment for the post of Lecturer, Chemistry in Govt. Polytechnic/Govt. Women Polytechnic Institutes under Science & Technology Department, Government of Bihar.

(II) For issuance of appropriate writ in the nature of mandamus directing and commanding the respondent authorities to declare the petitioner as qualified, after proper evaluation of the marks obtained by the petitioner on the basis of correct answers to the aforesaid questions and permit the petitioner to participate in the Interview.

(III) For the issuance of direction to the concerned respondent authorities to reconsider and modify their decision of arbitrarily deleting the 7(seven) Questions without assigning any reason for deletion and thereby disqualifying the petitioner based on wrong answer keys, and as such denied the opportunity in appearing in



interview, which is not only unwarranted but it is also violated the fundamental rights guaranteed to petitioner under Article-14, Article 16 and article 21 of the Constitution of India.

(IV) For issuance of direction to the concerned authorities that the final selection results and appointments will be subject to the outcome of this writ petition.

(V) For issuance of a direction that one seat may be kept under consideration till the final adjudication and be subject to the outcome of this writ petition.

(VI) For the issuance of any other relief(s) to which the petitioner may be found entitled in the facts and circumstances of the present case.

3. At the very outset, learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the respondent authorities for redressal of his aforesaid grievance. Liberty, so sought, is granted.

4. The petitioner is directed to file a detailed representation before the Chairman, Bihar Public Service Commission, Patna (respondent no. 2) along with all supporting documents within a period of two weeks and the respondent no.2 is well advised to consider the case of the petitioner after affording opportunity of personal hearing or through his counsel



and pass a reasoned and speaking order in accordance with law within eight weeks thereafter.

5. It is made clear that respondent no.2 shall be liable for non-compliance of this order within the stipulated period.

6. With the aforesaid direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.03.2024
Transmission Date	NA

