

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14720 of 2024

=====

Jitendra Kumar Son of Sadhu Sharan Prasad Resident of Village- Sadipur,
Near Kalu Babu Advocate, P.S. and District- Munger.

... .. Petitioner/s

Versus

1. The Bihar Public Service Commission, Bailey Road, Bihar, Patna through its Chairman.
2. The Chairman, Bihar Public Service Commission, Bihar, Patna.
3. The Examination of Controller, Bihar Public Service Commission, Bihar, Patna.
4. The Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv
For the Respondent/s : Mr.Sanjay Pandey, Adv

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-09-2024 Learned Counsel for the petitioner and Learned
Counsel for the BPSC are present.

2. The present writ petition has been filed for directing the respondent authority to re-evaluate the answer sheet of the petitioner of Indian Evidence Act with regard to the examination of the Assistant Prosecution Officer vide Advertisement No. 01/2020 and after scrutiny, appoint the petitioner on the post of Assistant Prosecution Officer, if he comes under the selected candidates after obtaining the sufficient marks. Further prayer has been made to rectify the reserved post of E.B.C. Category on the basis of reservation



policy of the State Government.

3. Learned Counsel for the petitioner submits that the judgment passed in the case of ***Ranvijay Singh & Ors. Vs. State of Uttar Pradesh & Anrs.*** reported in ***2018 (2) SCC 357*** is in his favour in which Hon'ble Apex Court has held that under exceptional circumstances, interference can be made by this Hon'ble Court. Counsel further submits that his case comes in the purview of the exceptional circumstances so his case shall be taken into consideration and BPSC be directed to re-evaluate the answer sheet of the petitioner.

4. In response thereof, Learned Counsel for the BPSC submits that in the advertisement, there is no provision of re-evaluation of the answer sheet in law neither there is provision of re-evaluation in the rule framed by the B.P.S.C. for appointment. Learned Counsel for the B.P.S.C has also relied on the same judgment i.e. on ***Ranvijay Singh & Ors. Vs. State of Uttar Pradesh & Anrs.(Supra)*** and submits that the ratio laid down in paragraph 30-31 of the aforesaid judgment states that there is no provision for re-evaluation either in the law or in the provision. Therefore, no relief could be granted to the petitioner

5. The ratio laid down In the case of ***Ranvijay Singh & Ors. Vs. State of Uttar Pradesh & Anrs.(Supra)*** is as



follows:

“30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are:

30.1 If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;

30.2. If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any “inferential process of reasoning or by a process of rationalisation” and only in rare or exceptional cases that a material error has been committed;

30.3. The court should not at all re-evaluate or scrutinise the answer sheets of a candidate—it has no expertise in the matter and academic matters are best left to academics;

30.4. The court should presume the correctness of the key answers and proceed on that assumption; and

30.5. In the event of a doubt, the benefit should go to the examination authority rather than to the candidate

31. On our part we may add that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible. This Court has shown one way out of an impasse — exclude the suspect or offending question.”



5. In the light of the observation made by the Hon’ble Apex Court and upon perusal of the document, this Court is of the firm opinion that since there is neither any provision of re-evaluation of the answer sheet in law nor there is any provision of re-evaluation of answer sheet is there in the rule framed by the B.P.S.C. for appointment, there is no case of the petitioner and no relief could be granted to him.

6. Accordingly, the present writ petition stands dismissed.

(Dr. Anshuman, J)

Sunnykr/-

U			
---	--	--	--

