

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1640 of 2024

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1. Mithilesh Kumar S/o Jai Narain Prasad Singh Jalaj, Resident of Village- Bazidpur, P.O- Satanpur, P.S.- Ujiarpur, District- Samastipur, State- Bihar, PIN- 848132.
 2. Himanshu Raj, S/o Jagat Narayan Singh, Resident of Village- Bhagwanpur Dadhiyan, P.O.- Bochahan, P.S.- Bochahan, District- Muzaffarpur, PIN- 843103.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Bihar, Patna.
3. The Director, Secondary Education, Education Department, Bihar, Patna.
4. The Chairman, Bihar Public Service Commission, Patna.
5. The Secretary, Bihar Public Service Commission, Patna.
6. The Examination Controller, TRE-1, Bihar Public Service Commission, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nalin Kumar, Adv.
For the State	:	Mr. Standing Counsel (8)
For the B.P.S.C.	:	Mr. Sanjay Pandey, Adv.
	:	Mr. Nishant Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the B.P.S.C.

2. After some arguments, learned counsel for the
petitioners seeks permission to withdraw this application with
regard to petitioner no.2.

3. Permission is granted.

4. Accordingly, this writ petition with regard to
petitioner no. 2 is dismissed as withdrawn.

5. Now this application is being heard only with



regard to petitioner no.1.

6. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the B.P.S.C.

7. Learned counsel for the petitioner submits that the petitioner no. 1 has secured 42 marks out of 120 marks in Math and the Cut-off marks of Math under B.C. Category is 44, therefore, petitioner no.1 has marginally not selected for the said post. He further submits that the petitioner no. 1 is Guest Teacher and no any grace marks was given to the petitioner no. 1.

8. A counter affidavit has been filed on behalf of the Respondent No.3 in which it is stated that the petitioner is misconceived as there is no provision for grace marks in the Advertisement No.26/2023.

9. Considering the whole conspectus of the case, it is apparent that there is no provision of grace marks in the Advertisement No.26 of 2023, accordingly, the instant writ application is dismissed.

(Anjani Kumar Sharan, J)

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