

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.752 of 2025**

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Anand Legal Aid Forum Trust, Through its Trustee Namely Amit Kumar, age around 22 Years, Male Gender Male, S/o Sh. Rabinder Tiwari, Office at 17A/56, Triveni Plaza, WEA, Karol Bagh, New Delhi-110005

... .. Petitioner/s

Versus

1. Bihar Public Service Commission through Chairman, Patna
2. Union of India through Cabinet Secretary, Delhi.
3. Central Bureau of Investigation through Director, Delhi
4. Government of Bihar through Chief Secretary, Patna.
5. Home Department Govt. of Bihar through Principal Secretary, Patna.
6. Director General of Police, Govt. of Bihar, Patna.

... .. Respondent/s

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with

**Civil Writ Jurisdiction Case No. 369 of 2025**

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1. Pappu Kumar Son of Manoj Kumar, resident of village, P.O. and P.S.- Bhadouns, District- Sheikhpura, Bihar- 811107.
  2. Sandeep Kumar Singh @ Sandeep Kumar, son of Madan Singh, resident of village- Rampurwa, P.O. and P.S.-Mehsi, District- East Champaran, Bihar - 845426.
  3. Ravish Kumar Raj, son of Vijay Narayan Sinha, resident of village- Raghunibigha, P.O. -Kormathu, P.S.- Belaganj, District- Gaya, Bihar - 804424.
  4. Himanshu Raj, son of Satish Kumar Singh, resident of village- Bastipur, P.O.- Manikpur, P.S.- Indrapuri, District- Rohtas, Bihar - 821305.
  5. Subhash Kumar Thakur @ Subhash Thakur, son of Ravindra Thakur, resident of village- Basra, P.O. and P.S- Jaintpur, District- Muzaffarpur, Bihar - 843123.
  6. Khushi Kumari, Daughter of Ram Pravesh Chaudhary, resident of village-



- Dharmchak, P.O. and P.S.- Mansi, District- Khagaria, Bihar- 851214.
7. Gautam Kumar, son of Umashankar Prasad, resident of village- Balwapar, P.O.- Sirsi Dihra, P.S.- Harnaut, District- Nalanda, Bihar-803110.
  8. Rajan Kumar Tiwari, son of Divakar Kumar Tiwari, resident of village- Basaura, P.O.- Amba, P.S.- Kutumba, District- Aurangabad, Bihar - 824111.
  9. Deepak Kumar, son of Ramdaras Sahani, resident of village- Tilbihata, P.O.- Berua, P.S.-Saraiya, District- Muzaffarpur, Bihar - 843122.
  10. Chandan Kumar, son of Dharmendra Kumar Nira, resident of At and P.O. and P.S.- Nirmali, District- Supaul, Bihar- 847452.
  11. Deepshikha, Shailendra Pd. Singh, resident of village and P.O.- Chandrahatti, P.S.- Kudhni, District- Muzaffarpur, Bihar.
  12. Satyam Raj, son of Manish Raj resident of Ward No.- 11, Nalanda Nagar Panchayat, P.S. and District- Nalanda, Bihar- 803111.
  13. Vivek Kumar @ Vivek Kumar Kharwar, son of Dadan Prasad, resident of Quarter No.- 68/400, 2, Near Rajkiye Navin Middle School, Rajbanshi Nagar, Phulwari, P.S.- Phulwari, District- Patna, Bihar- 800023.
  14. Akash Anand, son of Vivekanand Kumar, resident of village- Ramghat, P.O.- Khaira Koshpur, P.S.- Narpatganj, District- Araria, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. The Principal Secretary, General Administration Department, Government of Bihar.
3. The Bihar Public Service Commission, through its Secretary, 15 Jawaharlal Nehru Marg, Bailey Road, Patna.
4. The Secretary, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna.
5. The Examination Controller, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna.

... .. Respondent/s

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with



**Civil Writ Jurisdiction Case No. 978 of 2025**

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Ajit Kumar, Son of Ranjit Bind, Resident of Village - Amaiya, P.S.- Asarganj,  
District - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Bihar Public Service Commission, through its Chairman, Bailey Road, Patna.
4. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
5. The Secretary, B.P.S.C, Bailey Road, Patna.
6. The Exam Controller, B.P.S.C, Bailey Road, Patna.
7. The Economic Offence Unit, Patna.
8. Central Bureau of Investigation, Patna.
9. The Director General of Police, Bihar, Patna.

... .. Respondent/s

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with

**Civil Writ Jurisdiction Case No. 1437 of 2025**

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1. Prashant Shekhar S/o Rambali Singh, Resident of Road No.-1, Near Patna Connent, Adarsh Vihar Colony, Ramkrishna Nagar, Sampatchak, Patna, Bihar, Pin Code-800027.
  2. Rakesh Kumar Thakur S/o Devchandera Thakur, Resident of Vill- Shrikhand, P.O.- Chainpur P.S. Sugauli, Dist.-East Champaran (Motihari), Bihar, Mobile No.- 7488944626.
  3. Omkar Nath S/o Thakurdayal Singh, Resident of Vill- Gorasara, P.O and P.S.- Nuaon, Dist.-Kaimur, Bihar, Pin Code- 802132 Mobile No.- 7319786379.
  4. Madan Mohan Prasad S/o Ram Kumar, Resident of Vill- Chak Hussain, P.O and P.S.- Khusrupur, Dist.-Patna, Bihar, Pin Code- 803202.
  5. Inderjeet Yadav S/o Dadan Yadav, Resident of Vill- Samhar, P.O- Nenua, P.S. Dumraom, Dist.- Buxar, Bihar, Pin Code-802119.



6. Rahul Kumar S/o Santosh Kumar Resident of Vill.- Daniyalpur, P.O and P.S.- Teghara, Dist.- Begusarai, Bihar, Pin Code-851133
7. Saif Ali Khan S/o Md. Asraf Khan, Resident of Road No.-7, P.O.- New Karim Ganj, P.S.- Civil Lines, Dist.- Gaya, Bihar, Pin Code-823001.
8. Amit Kumar S/o Satyajeet Gandhi, Resident of Ward No.-11, Baghi Suhird Nagar, Begusarai, Bihar, Pin Code-851218.
9. Rajnish Kumar S/o Birendra Prasad Singh, Resident of Vill-Kavara, P.O.- Karava, P.S.-Ghoswari, Dist.-Patna, Bihar.
10. Shubham Ranjan S/o Birendra Prasad Singh, Resident of Postal Park, Sanjay Nagar, Patna, Bihar, Pin Code-800001.
11. Krishna Pandey S/o Ashok Pandey, Resident of N.C. Ghosh Lane, Gardanibagh, Patna, Bihar, Pin Code-800001.
12. Prince Gupta S/o Radhe Shyam Gupta, Resident of Bhagwanpur, Chainpur, Chainpur, Kaimur (Bhabhua), Bihar, Pin Code- 821103.
13. Akansha Pandey, Female, aged about 22 years, S/o Ashok Kumar Pandey, Resident of N.C. Ghosh Lane, Gardanibagh, Patna, Bihar, Pin Code-800001.
14. Avinash Kumar Singh S/o Ramashankar Singh, Resident of Khedarpura, Daudnagar, Baishali, Bihar, Pin Code-844113.
15. Shyam Kumar Kamat @ Shyam S/o Tapeswar Kamat, Resident of Damodar Patti @ Simari, P.O.-Vadupatti, Dist.- Sitamarhi, Bihar, Pin Code-843319.
16. Nilesh Kumar S/o Vidhyanand Prasad, Resident of East Bhikhachak, Anisabad, Gardanibagh, Patna, Bihar, Pin Code- 800001.
17. Prashant S/o Sabindra Prasad, Resident of Vill.-Dhanawana Bigha, P.O.- Gopalbad, P.S.- Savnera, Dist.- Nalanda, Bihar.
18. Pawan Kumar S/o Late Raj Kishor Prasad Singh, Resident of Lalji Tola, Gali No.-3 Opposite Prasad Bhawan, P.S.-Gandhi Maidan, P.O.-Patna G.P.O., Dist.-Patna, Bihar, Pin Code-800001.
19. Chetan Kumar S/o Samir Kumar Resident of B/3 Lala B.K. Ambastha, Dy. Collector, B.A.S., Raj Kumar Path, Sadan Alkapur, Gardanibag, Anisabad, Patna, Bihar, Pin code-800002.
20. Pratyush Kumar Prabhakar S/o Sidharth Shankar Roy, Resident of Indira Nagar, Road No.-06, Postal Park, Patna, Bihar, Pin Code-800001.
21. Neeraj Kr. Jha S/o Tulakant Jha, Resident of Barhora, Bababarahi, Madhubani, Bihar, Pin Code-847401.
22. Vikram Jyoti, Female, aged about 30 years, S/o Arvind Kumar Singh,



Resident of Bahadurpur Bagicha, Bazaar Samiti, Rajendra Nagar, Patna, Bihar, Pin code-800016.

23. Rajan Kr. Jha S/o Anil Jha, Resident of Vill.- Pando tola, P.S.-Bonsi, Dist-Banka, Bihar, Pin code-813104.
24. Anupriya Kumari, Female, aged about 23 years, S/o Bipin Kr. Jha, Resident of Koraiya, Sugauli, East Champaran, Bihar, Pin Code-845456.
25. Azra Fatma Rizivi S/o A.M. Rizvi, Resident of River View Colony, Loharwaghat, Alamgang, Patna, Bihar, Pin Code- 800007.
26. Sunny Raj S/o Ashok Kumar, Resident of Shahpur, Dist.- Bhojpur, Bihar, Pin Code-802165.
27. Shiv Shankar S/o Arun Kr. Singh, Resident of Adarsh Nagar, Road No.-02, Anisabad, Beaur thana, Dist.- Patna, Bihar, Pin Code-800002.
28. Suryakant S/o Kaushlendra Kumar, Resident of Bypass, Adarsh Vihar Colony, R.K. Nagar, Patna, Bihar, Pin Code- 800027.
29. Vishal Kumar S/o Asha Narayan Prasad, Resident of Khairwa, Chapra Bhikhari, East Champaran, Bihar, Pin Code-845412.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Bihar, Patna.
2. The Bihar Public Service Commission, through its Chairman, 15 Jawahar Lal Nehru Marg, Bailey Road, Patna.
3. Chairman, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg, Bailey Road, Patna.
4. Secretary, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg, Bailey Road, Patna.
5. Examination Controller, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg, Bailey Road, Patna.

... .. Respondent/s

with

**Civil Writ Jurisdiction Case No. 1723 of 2025**



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1. Neha Parween D/o- Raji Uddin, Resident of Topkahna Bazar, P.S. and District- Munger.
  2. Prashant Kumar, Son of Atul Kumar Singh, Resident of village- Phulaut Paschami, ward no.- 05, P.S.- Chausa, District- Madhepura.
  3. Ujjwal Choudhary, Son of Shankar Choudhary, resident of ward no.- 23, Raghubansh Road, Andi Gola, Muzaffarpur, Naya Tola, Near Ramesh Rahi Agrwal Girls High School, P.S. and District- Muzaffarpur.
  4. Ranjan Kumar, Son of Umashankar Prasad, Resident of Harpur, ward no.- 05, Adapur, P.S- Harpur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar Patna.
3. The Bihar Public Service Commission, through its Secretary, 15 Jawaharlal Nehru Marg, Bailey Road, Patna.
4. The Secretary, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna.
5. The Examination Controller, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna.

... .. Respondent/s

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with

**Civil Writ Jurisdiction Case No. 2842 of 2025**

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Prince Kumar S/o- Late Raj Kumar Prasad, R/o- Vill Murgiyachak, PO and PS- Wena, Block-Rahui, District-Nalanda, Pin-803110.

... .. Petitioner/s

Versus



- 1. The State of Bihar through the Chief Secretary, Government of Bihar.
- 2. The Principal Secretary, General Administration Department, Government of Bihar.
- 3. The Bihar Public Service Commission through its Secretary, 15 Jawaharlal Nehru Marg, Bailey Road, Patna
- 4. The Secretary, Bihar Public Service Commission, Jawaharlal Nehru Marg, Bailey Road, Patna.
- 5. The Examination Controller, Bihar Public Service Commission, Jawaharlal Nehru Marg, Bailey Road, Patna.

... .. Respondent/s

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**Appearance :**

(In Civil Writ Jurisdiction Case No. 752 of 2025)

- |                      |   |                                                                                                                                                                  |
|----------------------|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Abhijit Anand, Advocate<br>Ms.Sweta Kumari, Advocate                                                                                                         |
| For the BPSC         | : | Mr. Lalit Kishore, Sr. Advocate<br>Mr. Sanjay Pandey, Advocate<br>Mr. Ayush Kumar, Advocate<br>Mr. Kanishka Shankar, Advocate<br>Mr. Nishant Kumar Jha, Advocate |
| For the UOI          | : | Mr. Ratnesh Kumar, Sr. CGC<br>Mrs. Parul Prasad, CGC<br>Mr. Aditya Anand, Advocate<br>Mr. Rajiv Ranjan, Advocate                                                 |
| For the CBI          | : | Mrs. Nivedita Nirvikar, Sr. Advocate<br>Mr. Arya Achint, Advocate<br>Mrs. Karishma Aware, Advocate                                                               |
| For the State        | : | Mr. P.K.Shahi, A.G.<br>Mr. Vikas Kumar, Advocate<br>Mr. Amritesh Kumar, Advocate                                                                                 |

(In Civil Writ Jurisdiction Case No. 369 of 2025)

- |                      |   |                                                                                                                         |
|----------------------|---|-------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Y.V.Giri, Sr. Advocate<br>Mr.Pranav Kumar, Advocate<br>Ms. Shrishti Singh, Advocate<br>Mr. Devashish Giri, Advocate |
|----------------------|---|-------------------------------------------------------------------------------------------------------------------------|



Mr. Ashok Kumar Dubey, Advocate  
Mr. Kushal, Advocate  
For the State : Mr. P.K.Shahi, A.G.  
Mr. S.C.-9  
Mr. Vikas Kumar, Advocate  
Mr. Amritesh Kumar, Advocate  
For the BPSC : Mr. Lalit Kishore, Sr. Advocate  
Mr. Sanjay Pandey, Advocate  
Mr. Ayush, Advocate  
Mr. Kanishka Shankar, Advocate  
Mr. Nishant Kumar Jha, Advocate

(In Civil Writ Jurisdiction Case No. 978 of 2025)

For the Petitioner/s : Mr.Chandan Kumar, Advocate  
Md. Fazle Karim, Advocate  
For the State : Mr. P.K.Shahi, Advocate General  
Mr. Vikas Kumar, Advocate  
For the CBI : Mrs. Nivedita Nirvikar, Sr. Advocate  
Mr. Arya Achint, Advocate  
Mrs. Karishma Aware, Advocate  
For the BPSC : Mr. Lalit Kishore, Sr. Advocate  
Mr. Sanjay Pandey, Advocate  
Mr. Ayush, Advocate  
Mr. Kanishka Shankar, Advocate  
Mr. Nishant Kumar Jha, Advocate  
For the EOU : Mr. V.N.P.Sinha, Sr. Advocate  
Mr. Vijay Anand, Advocate

(In Civil Writ Jurisdiction Case No. 1437 of 2025)

For the Petitioner/s : Mr. Abhinav Shrivastava, Sr. Advocate  
Mr.Raushan, Advocate  
Mr. Sahil Kumar, Advocate  
Mr. Arpit Anand, Advocate  
Mr. Pushkar Bharadwaj, Advocate  
Ms. Shreyashi Raj, Advocate  
Mr. Neeraj Kumar, Advocate  
Mr. Saket Kumar Jha, Advocate  
Mr. Pramod Kumar Yadav, Advocate  
Mr. Subham, Advocate  
For the State : Mr. P.K.Shahi, Advocate General





For the BPSC : Mr. Vikas Kumar, Advocate  
Mr. Lalit Kishore, Sr. Advocate  
Mr. Sanjay Pandey, Advocate  
Mr. Ayush, Advocate  
Mr. Kanishka Shankar, Advocate  
Mr. Nishant Kumar Jha, Advocate  
For the Intervener : Mr. Neeraj Kumar, Advocate  
Mr. Saket Kumar Jha, Advocate  
Mr. Pramod Kumar Yadav, Advocate

(In Civil Writ Jurisdiction Case No. 1723 of 2025)

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate  
For the State : Mr. P.K. Shahi, Advocate General  
Mr. Vikas Kumar, Advocate  
For the BPSC : Mr. Lalit Kishore, Sr. Advocate  
Mr. Sanjay Pandey, Advocate  
Mr. Ayush, Advocate  
Mr. Kanishka Shankar, Advocate  
Mr. Nishant Kumar Jha, Advocate

(In Civil Writ Jurisdiction Case No. 2842 of 2025)

For the Petitioner/s : Ms. Roona, Advocate  
Mr. Sanjay Kumar, Advocate  
Mr. Pratiyush Kumar, Advocate  
For the State : Mr. P.K. Shahi, Advocate General  
Mr. Vikas Kumar, Advocate  
For the BPSC : Mr. Lalit Kishore, Sr. Advocate  
Mr. Sanjay Pandey, Advocate  
Mr. Ayush, Advocate  
Mr. Kanishka Shankar, Advocate  
Mr. Nishant Kumar Jha, Advocate

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**CAV JUDGMENT**  
**(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

**Date : 28-03-2025**

The common prayer in all the writ petitions,



including the PIL, is cancellation of integrated 70<sup>th</sup> Combined (Preliminary) Competitive Examination, conducted by the Bihar Public Service Commission (for short 'the Commission'), held on 13.12.2024 and 04.01.2025 and for holding a re-examination on the grounds of (i) systemic failure of the Commission in conducting a free and fair examination; (ii) logistical and administrative mismanagement at examination centres; (iii) impermissibility of holding two Preliminary Examinations; (iv) prevaricating stand of the Commission with respect to normalization; (v) wrong key-answers; (vi) unfair answer evaluation process; (vii) malpractices at the examination centres; (viii) strong chances of paper leak; and (ix) completely opaque methodology for coming out with a combined merit-list, without taking into account the equal standard of rigour for the students, thus offending Articles 14 and 16 of the Constitution of India.

2. It has been argued by all the petitioners that the above-noted grounds have led to the process of examination and the result being shrouded/mired in controversy. It is the assertion of the petitioners that for



maintaining the purity of the examination process as also for restoring faith in the system, the only way now is to hold a re-examination in a fair manner. Not doing so, it has been urged, would erode the Constitutional values, which undergird Articles 14 and 16 of the Constitution of India, mandating that selection process conducted by public authorities must be fair, transparent and accountable. Any irregularity in the process gives rise to doubts whether the process has resulted in denial of equal access to all persons and in that case, the entire process gets tainted, requiring cancellation of examination/result and holding of fresh examination.

3. The countervailing arguments on behalf of the Commission and the State are that the process was fair and all care was taken to conduct the examination in a proper manner with very limited complaints regarding mismanagement at Bapu Pariksha Parisar (for short 'BPP'), the centre with maximum examinees, and few of the key-answers being wrong. But those issues were resolved by referring the wrong key-answers to the Committee of Experts who have given their reasons for selecting the



correct answer; and the Commission in its wisdom and experience chose to conduct a re-examination for the candidates of BPP centre only and not for other 912 centres in the entire State of Bihar. The result of successful candidates in the Preliminary Examination has been published in which approximately 21000 students have passed the examination. Their careers could not be lightly dealt with. It was reiterated that there is a need to preserve public confidence in the sanctity of the selection process, but at the same time, there is a requirement of observing fairness towards candidates who invest time and resources in attempting to clear through a selection process and both these considerations have a Constitutional foundation, going beyond service and administrative law principles.

4. Animadverting to the unfairness in the holding of examination, the petitioner in PIL, whose locus has seriously been challenged, has pointed out that (a) the Commission had issued notification on 23.09.2024, inviting on-line applications but without giving any advertisement number; (b) According to the press note of the Commission on 08.12.2024, a total of 4.80 lakhs online applications



were made, out of which approximately 1.3 lakhs online applications with payment were received in the last four days, when the server of the online portal of the Commission was absolutely slow, resulting in around 80,000 to 90,000 applicants not having been able to complete the process of filling up of the forms. Nonetheless, the online portal was re-opened and the final date of filling up the forms was extended on two occasions. Further, commenting on the process of the examination, the petitioner in the PIL alleged that (c) the admit-cards of the applicants were released on 06.12.2024, but only two days before the scheduled date of holding the examination, the examination centres of 5,000 applicants were changed from Gaya to Nawada vide notification dated 10.12.2024; (d) Prior to the scheduled date of examination on 13.12.2024, the Commission, curiously, had invited the private coaching centres of Patna for a meeting on 30.10.2024. The allegation is that perhaps those coaching centres were asked for question-banks, which charge gets substantiated because many questions in the booklets tallied with the model questions prepared by the coaching centres and



circulated amongst its students; (e) In fact, statistically speaking, 24 questions were taken out of Khan Global Studies and 22 questions were from Utkarsh Classes; (f) The level of the standard of questions also were below par; (g) According to newspaper reports dated 14.12.2024, this Court was apprised, special treatment was given by the District Administration, Khagaria to several of the examinees, all of whom had stayed in Circuit House, Khagaria; (h) Several complaints from various centres in different districts were sent by the examinees but those were callously ignored; (i) The Commission did not do anything positive towards allaying the fears of the students that the process of normalization would be applied to the examination results and because of that, several of the students started agitating against normalization even before the scheduled date of examination. It was only later in the day on 06.12.2024 that a press note was issued by the Commission that the results would not be subjected to normalization. An objection has also been raised on the issue of the (j) Chairman of the Commission having been made an accused earlier in multi-crore scholarship scam;



(k) The District Administration resorted to unnecessary lathi-charge and use of water-cannons on peaceful agitation of the applicants on 25.12.2024 and 29.12.2024. Many applicants/aspirants were made accused in criminal cases who were clamouring for re-examination.

5. By way of Interlocutory Application No. 2 of 2025, the petitioner in the PIL sought permission to bring on record additional documents and video-clips in pendrives. The necessary directions issued by the Commission were also brought on record to suggest that (l) none of the important advisories and directions of the Commission were followed while conducting the examination: like opening of question papers in front of the students, suggested pattern of sitting arrangements; maximum number of students to be allowed to sit in one hall; the tamper-proof bags being torn etc. Apart from this, what has been brought on record are (m) various messages/posts on 'X' (earlier Twitter) and Facebook accounts, suggesting malpractices at various centres; (n) Some of the students charged that there was a leak of question papers by around 1:00 P.M in the day on



13.12.2024, which was circulated through mobile telephones and at one of the centres, answers to the questions were being announced from outside on loudspeakers.

6. For all these allegations, the petitioner has relied on Facebook posts of applicants, most of whom had disclosed their identities and also their roll-numbers to indicate that they were applicants and not persons not interested in the examination process.

7. In CWJC No. 369 of 2025, by 14 petitioners, it was alleged that in the examination held on 13.12.2024, there was a ruckus at BPP Centre at Patna. Message was spread that question paper had leaked. Several of the candidates, on learning about the paper leak, staged a walk-out and also disrupted the entire examination. Question papers were taken out of the centre and circulated on social media with wide reach. Those question papers were also sent by the applicants to the official site of the Economic Offence Unit of the State of Bihar at 1:00 P.M., demanding appropriate legal action. There were other irregularities at BPP Centre, which was not limited to one centre, but such





disturbances impacted several examination centres across the length and breadth of the State. Another objection raised by the candidates was that they had been given wrong question series and for addressing the aforementioned issues, the Examination Centre Superintendents consumed around 20-45 minutes, eating into the writing time of the applicants. One of the students, namely, Sonu Kumar, having Roll No. 557149, made a specific complaint in this regard to the Commission. Commensurate extra time was not given by the Centre Superintendents. In many of the Centres, as noted above, question papers were not unsealed in presence of the candidates and there were no holograms on the admit-cards. Another serious complaint was that even jammers were not functional during the entire examination duration, giving a strong suspicion towards leak of question paper and resultant impurity of the examination. The very fact of changing the examination centre of several thousand students only a few days before the schedule date of examination reflected complete lack of preparedness of the Commission to hold examination at such a scale. In the re-examination held on 04.01.2025,



though approximately 8000 candidates had downloaded the admit-cards, but only 5943 candidates had taken the examination. An inquiry also was started by Economic Offence Unit, about which the candidates came to learn from the newspaper reports. There was serious objection to the Commission considering to take re-examination only with respect to one centre, even though malpractices were alleged at different centres in different districts. The Secretary of the Commission is alleged to have made a statement at large that scaling would be applied in formulating the results, about which there was no reference either in the advertisement or in the SOP published by the Commission.

8. These grounds, it was urged, clearly reflected malpractice and academic fraud /cheating, thereby posing a threat to public trust in the reliability and credibility of the system as a whole. It destroyed the purity of the selection process. The only way, it was suggested, to rectify this distrust and set the course right, is to hold a re-examination for all the applicants.

9. In the writ petition preferred by Prashant



Shekhar and 28 others (CWJC No. 1437 of 2025), it has been alleged that there were altogether 10 incorrect answers given in the final answer-key published by the Commission for the examination conducted on 13.12.2024. They have said so on the basis of the source materials for the correct answer which have been brought on record. Similarly, 4 wrong answers were provided in the final answer-key for the examination held on 04.01.2025. With respect to the allegation that there was a paper leak, copies of Twitter posts and chats on WhatsApp have been brought on record. What was really canvassed by the learned Advocate for the petitioners in the aforementioned writ-petitions that the candidates who participated in the re-examination on 04.01.2025 had an edge over those candidates who had participated on 13.12.2024 for the reason that two questions were repeated on 04.01.2025 and 20 questions were almost on the same pattern. It was, thus, sought to be inferred that it violated the equality clause of the Constitution.

10. The other writ petitions *viz.* CWJC No. 1723 of 2025, 2842 of 2025 and 978 of 2025 are also with the



same allegations.

11. The Commission replied to all such petitions, firstly by questioning and raising serious doubts about the locus of the petitioner/ Trust, namely, Anand Legal Aid Forum Trust (CWJC No. 752 of 2025). The Trust has not disclosed its Registration Number nor has spoken about the name of the authority with which the Trust is registered. No information, the Commission contended, was given with respect to the details of the Trustees; the area and scope of operation of the Trust; the activities undertaken in the recent past; Trust Deed; its charitable objectives; sources of finance; assets; governing bye-laws etc. On that score, it was urged that the Public Interest Litigation was not maintainable. The Trust/petitioner, it was argued, has failed to comply with the provisions contained in Chapter XXI-CC of the Patna High Court Rules, which specifically deals with Public Interest Litigation: Rule-6 whereof requires a petitioner to give full and complete details of himself to reveal his interest, credentials, qualification relevant for the PIL along with a declaration that he has no personal interest, direct or indirect, in the subject PIL. That apart, no



supporting data for the allegations in the petition has been provided. The information given are all half truths and fantasies. Wild and deceptive allegations have been made in the petition against the Commission.

12. In support of the aforementioned contention of the Commission that this petition ought not to be entertained, reference was made to the judgment of the Hon'ble Supreme Court in ***Gurpal Singh v. State of Punjab and Others; (2005) 5 SCC 136***, in which it has been held that the Court has to be satisfied before entertaining a PIL about the credentials of the applicant; *prima facie* correctness of the nature of information given by him; which information ought not to be vague or indefinite. A Court has always to strike a balance between two conflicting interests, viz. that nobody should be allowed to indulge in wild and reckless allegations besmirching the character of others and avoidance of public mischief.

13. In ***Ashok Kumar Pandey v. State of W.B.; (2004) 3 SCC 349***, the Supreme Court, it has been argued, has likened the Public Interest Litigation to a weapon which has to be used with great care and circumspection. It



has only to be used as an effective weapon in the armoury of law for delivering social justice to citizens. The attractive brand-name of Public Interest Litigation ought not to be allowed to be used for suspicious and mischievous motives; rather it should be aimed at redressal of genuine public wrong or public injury but never publicity oriented assertions or facts based on personal vendetta.

14. The objection by the Commission was met by the petitioner by providing details regarding the constitution of the Trust.

15. Considering the fact that generally, in a Public Interest Litigation, the aspect of locus takes a back seat, and that the issues here pertain to students who have appeared in an examination and seek re-examination on account of malpractices, we have considered it appropriate to hear the petitioner.

16. It is to be noted that the petitioner/Anand Legal Aid Forum Trust had earlier approached the Supreme Court under Article 32 of the Constitution of India, which was disposed off by asking the petitioner to approach the



jurisdictional High Court. The rest of the writ petitions were being heard by a learned Single Judge of this Court. Considering that all the issues raised in these petitions are similar, all the petitions were clubbed together and hearing was accorded in each of the petitions.

17. The Commission while responding to rest of the petitions, brought to the notice of this Court the fact that the General Administration Department of the Government of Bihar had sent requisition to the Commission for publication of advertisement for appointment on 1957 different posts in different departments of the Government of Bihar. Pursuant to such requisition, an advertisement was published on 23.09.2024, inviting applications from suitable candidates for the Preliminary Competitive Examination. The last date for filling up the forms online was extended to 04.11.2024. On 09.12.2024, a notice was published by the Commission giving important instructions to the aspirants and letting them know that no candidate shall be permitted entry in the examination hall after 11:00 A.M. on 13.12.2024 for the examination which would commence from 12 O' Clock and



would continue till 2:00 P.M.

18. The Centre Superintendents of all the 912 examination centres reported that the examination on 13.12.2024 was conducted peacefully. However, there was disturbance at one of the centres, namely, BPP centre at Patna. A detailed report was thus sought for and received by the Commission on 15.12.2024 from the District Magistrate, Patna. The report indicated that few undesirable elements/applicants created ruckus in the BPP Centre and after snatching question papers, took it outside the examination hall. Those candidates only spread rumours that the examination was being cancelled. They disturbed the other candidates who were writing their papers peacefully. The report further indicates that some of them threatened the Centre Superintendent to announce that the exam had been cancelled. It was in this connection that some of the question booklets were taken out of the examination centre, but it was around 1:00 P.M.

19. Repelling the contention of the petitioners, the Commission has claimed that all printed question booklets kept in TES Bags were opened in front of the





candidates/their representatives. However, the report admitted of delay of about 10-15 minutes in distribution of question papers because of the enormous size of the BPP centre with five floors. Despite the candidates having been told that they would get 10-15 minutes extra time as per the general practice, with a determined mind-set, few of the candidates, who perhaps were not interested in writing the exam, created the disturbance. Criminal case was also instituted against some of the students. It appeared that there was a well-thought conspiracy to create disturbance and chaos at BPP centre with a view to have the examination cancelled.

20. The posts on social media 'X' clearly reflects that the circulation was at around 1:00 P.M. when the examination was smoothly going on at all other examination centres. The post on 'X' was of the same question paper which was looted in the BPP Centre. In this context, it has been stated that the candidates were strictly frisked and searched and were not allowed to enter the examination-hall with any electronic gadget, including smart watches, mobile phones, bluetooth devices etc. More



than 13000 electronic jammers were installed to restrict the internet connectivity. Even if it is assumed that one of the question booklets was circulated on social media at around 1:00 P.M., according to the Commission, it was not communicated to any one of the examinees, who were sitting in the sanitized examination halls without any electronic signals because of the jammers. The Commission was absolutely sure that there was no possibility of any examinee having benefited from the paper-leak at 1:00 P.M. Nevertheless, the Commission called its meeting on 16.12.2024 and carefully examined all CCTV footage, social media clips, reports from different Centre Superintendents and in particular of District Magistrate, Patna as also the complaints by the candidates. It was after due deliberation that the Commission came to the conclusion that because of the trouble created at BPP Centre, where the students were prevented from writing the examination and some of the answer booklets were destroyed, it was necessary to conduct re-examination for the candidates of that examination centre only. The Commission also, it has been argued, took into account



that holding re-examination for all the candidates would be unfair to approximately five lakhs of them. The Commission adverted to the earlier precedents, especially its decision regarding 66<sup>th</sup> BPSC Examination, where under similar circumstances re-examination was preferred in one of the centres.

21. In the re-examination on 04.01.2025, 5943 candidates had appeared.

22. After the successful holding of re-examination on 4<sup>th</sup> of January, 2025, the Commission got the provisional answer-keys of the question papers for both the examinations (13.12.2024 and 04.01.2025) prepared by a High Level Committee of Subject Experts. An advertisement was issued on 8<sup>th</sup> of January, 2025 inviting objections, if any, regarding provisional answer-keys from the candidates between 10.01.2025 to 16.01.2025. A press note was issued that final answer keys will be published after the Subject Experts had considered all the objections of the candidates.

23. The Commission had received about 4900 objections/suggestions from candidates with regard to



provisional model answers of some of the questions of General Studies paper. After careful deliberation, the independent Subject Expert Committee came to a conclusion that out of 150 questions of General Studies paper, 4 questions, viz. Questions No. 58, 101, 114 and 117 of E Series, for which examination was held on 13.12.2024 and 4 questions, viz. Question Nos. 5,13, 79 and 91 of 1 series, for which examination was held on 04.01.2025 were required to be deleted and detailed reasons were recorded for each of such answers in the report. The Subject Expert Committee also finalized the answer-keys for all the questions for which the examinations were held on 13.12.2024 and 04.01.2025. In fact, it has been asserted that before finally evaluating the OMR Sheets, by way of an abundant precaution and transparency, the Commission published the OMR Sheets of the candidates, with limited access to the candidates only, and invited objections/claims by 21<sup>st</sup> of January, 2025. It was only thereafter, i.e., after the evaluation of claims and objections, the OMR Sheets were evaluated on the basis of final answer-keys prepared by the Subject Experts. The results prepared, thereafter was



published on 23.01.2025, in which a total number of 21581 candidates were declared successful.

24. So far as adherence to the SOP is concerned, the Commission had hired M/s Electronics Corporation of India, a PSU, to install jammers at strategic places of the examination centres. Approximately 13000 jammers were installed at 912 centres.

25. According to the Commission, all candidates, invigilators, other staff deputed to the examination duties, were not permitted to bring any communication device inside the examination centre. CCTV Cameras were installed for capturing the photo of biometric identification of candidates.

26. With respect to the allegation of change of examination centres of 5000 candidates, the Commission has trashed the aforementioned argument. On 10.12.2024, a notice was published by the Commission, clarifying and informing the candidates that they are supposed to appear at Nawada centre as on the admit-cards of certain candidates, there was a typographical error. The Centre Code was 'NAW', which stands for Nawada. Therefore, an



immediate precautionary measure was taken for preventing any candidate from being misled. Those candidates were informed on their e-mail address and on SMS. No such candidate has up till now complained against the last-minute change of centre or misleading information. On 12.12.2024, another notice was issued, clarifying the address of examination centres for easy access to the candidates. Thus, denying any allegation of mass scale cheating or a large scale lapse in adhering to the SOP or widespread paper leak, the question papers not reaching the candidates on time, the Commission contends that re-examination is only the cry of such students who have not been successful or who are not interested in the examination process at all. The allegations made in the writ petitions lack details or substantial proof and are thus, unverifiable.

27. After having gone through the records and having heard the learned counsel for the petitioners, we have found that though there has been a consistent and loud demand of re-examination for all the candidates on the grounds of paper leak and non-observance of the SOP by



the Commission, but except for the proof of disturbance at BPP Centre at Patna, which was one of the biggest centres, accommodating maximum number of candidates, there is no serious complaint from any other centre.

28. The learned Advocates appearing for the petitioners have submitted that the self-certification of the Centre Superintendents which suits the Commission ought not to be taken as a last word. Even if one candidate remains dissatisfied with the fairness of the examination, and the basis for saying so is substantially proved, the purity of the process stands challenged and compromised.

29. The petitioners mostly have relied upon observations/complaints of candidates, in some cases with their identities and roll numbers, post examination. These are only WhatsApp messages and some stray complaints, which on verification, were not found to have been substantiated.

30. In ***Sachin Kumar and Others v. Delhi Subordinate Service Selection Board (DSSSB) and Others.; (2021) 4 SCC 631***, the position in law with respect to a judicial decision holding an examination to have been



vitiated has been laid down.

31. The Supreme Court, after evaluating a number of judgments postulated that essentially the answer to the issue turns upon whether the irregularity in the process have taken place at a systemic level so as to vitiate the sanctity of the process. In some cases, the authority conducting the examination might itself come to the conclusion that as a result of the subversion of the process for any supervening event or circumstances rendering the process to lose its legitimacy, there would be no option but to cancel the entire examination in its entirety. In this situation, there is no fact finding exercise into individual acts involving use of malpractices or unfair means. Such a situation would arise only when there is a systemic failure of the process where it would be difficult to segregate the tainted from the untainted participants in the process. The other situation would be where some of the participants in the process allege irregularities. In that case, it may well be possible to segregate those persons or candidates at a particular centre to be subjected to re-examination and excluding the others from the process. This serves the purpose of protecting the





interest of the candidates who have done their part and should not be slapped with any price for the wrong doings of the others. Segregating the wrong doers and allowing the selection process to be continued and taken to its logical conclusion is an accepted principle of service jurisprudence, which stands on the bedrock principles enshrined under Articles 14 and 16 of the Constitution of India. Nonetheless, if there is evidence of systemic irregularities, the entire process becomes vitiated.

32. What the Supreme Court has emphasized is that whenever it is possible to segregate persons who have indulged in malpractices and the recruiting or examination taking body does not do so so, then it would be unfair to the diligent applicants who ought not to be subjected to the consequences of cancellation of the entire process. This, in fact, would be contrary to Article 14 because in that event unequals would be found to have been treated equally. A recruiting body, no doubt is subject to judicial control but only on settled principles that the recruiting authority must have a measure of discretion to take decisions in accordance with law which are best suited to preserve the sanctity of



the process.

33. In *Bihar School Examination Board v. Subhas Chandra Sinha and Others; (1970) 1 SCC 648*, a three Judges Bench of the Supreme Court while dealing with a case involving a challenge to the decision to cancel the annual secondary school examination in relation to a particular centre in a district of Bihar, it was found that the Unfair Means Committee of the Examination Board had asked the moderators to look into all the answer books where the percentage was 80% or more. The Committee had reported unfair means on a mass-scale. The Chairman of the Board had then cancelled the examination in all subjects at that particular centre, allowing the examinees to re-appear at the supplementary examination later but without payment of fresh fee, which decision of the Chairman was approved by the Board. The High Court had quashed the action of the Board but on the ground that the examinees were not furnished with a show-cause and materials on which the Chairperson passed the order.

34. The Supreme Court did not approve of the aforementioned decision and held that there was no requirement



of giving opportunity to the candidates to represent their cases, if the examination as a whole was being cancelled. The examination was vitiated by adoption of unfair means on a mass scale. The essence of the examination is that worth of every person is appraised without any assistance from any outside source. If at a particular centre, the success rate is 100%, whereas at other centres, the rate is only an average of 50%, the presumption then is correct that there is mass-scale cheating. If there is sufficient material on which it could be demonstrated that the conclusion of the Board was right and that the entire examination ought to be cancelled, then such appreciation of the problem must be respected and it would not do any good for the Court to say to the Board to do otherwise.

35. In *Anamica Mishra and Others v. U.P. Public Service Commission, Allahabad and Others; (1990) Supp SCC 692*, the issue involved was that in recruitment to various posts in the educational service of the State of Uttar Pradesh, it was found that after the written examination, due to improper feeding of data into the computer, some candidates who had shown better performance in the written



examination were not called for the interview and persons with lesser marks were called for the interview and were finally selected. The entire process was cancelled by the Public Service Commission. The Supreme Court found that when there was no defect with regard to the written examination and the sole objection was confined to the exclusion of a group of successful candidates in the written examination for the interview, there was no justification for cancelling the written part of the recruitment examination. The situation could have been rectified by asking for a fresh interview of all eligible candidates on the basis of written examination.

36. This was one of the representative cases where the cancellation of the entire recruitment process was held not to be justified since there was no systemic flaw in the written test and the issue was only with regard to calling the candidates for the interview.

37. In *Madhyamic Shiksha Mandal, M.P. v. Abhilash Shiksha Prasara Samiti and Others; (1998) 9 SCC 236*, the Board had cancelled the entire examination following the report of the Naib Tehsildar, who had found



mass-copying by the students. The decision of the Board was set aside by the High Court, holding that cancellation was unsustainable. The Supreme Court did not agree with the High Court as it did not see any justification in the High Court having interfered with the decision taken by the Board to treat the examination as cancelled. The innocent students in that case could not be helped because the examination taking body could not have undertaken an extremely difficult task of identifying innocent students from those indulging in malpractices.

38. In *Union of India and Others v. Rajesh P.U., Puthuvalnikathu and Another (2003) 7 SCC 285*, where the entire examination was cancelled on the allegation of favouritism being shown by some of the officers conducting the physical efficiency test as also irregularities in the written examination, the Supreme Court affirmed the view of the High Court that there was no justification to cancel the entire selection when the impact of irregularities which had crept into the evaluation of merits could be identified specifically with respect to particular number of candidates.

39. In *Inderpreet Singh Kahlon and Others. v.*



***State of Punjab and Others; (2006) 11 SCC 356***, the same principle was reiterated that there must be an effort to segregate tainted from the untainted candidates.

40. In ***Sachin Kumar (supra)*** the Supreme Court after taking into account the dictum in the aforementioned cases as also in ***Joginder Pal and Others v. State of Punjab and Others; (2014) 6 SCC 644; Chairman, All India Railway Recruitment Board and Another v. K. Shyam Kumar and Others; (2010) 6 SCC 614; State of Tamil Nadu and Another v. A. Kalaimani and Others; (2021) 16 SCC 217*** and ***Gohil Vishvaraj Hanubhai and Others v. State of Gujarat and Others; (2017) 13 SCC 621*** has observed that:

“66. *Recruitment to public services must command public confidence. Persons who are recruited are intended to fulfill public functions associated with the functioning of the Government. Where the entire process is found to be flawed, its cancellation may undoubtedly cause hardship to a few who may not specifically be found to be involved in wrongdoing. But that is not sufficient to nullify the ultimate decision to cancel an examination where the nature of the wrongdoing cuts through the entire process so as to seriously impinge upon the legitimacy of the examinations which have been held for recruitment. Both*



*the High Court and the Tribunal have, in our view, erred in laying exclusive focus on the report of the second Committee which was confined to the issue of impersonation. The report of the second Committee is only one facet of the matter. The Deputy Chief Minister was justified in going beyond it and ultimately recommending that the entire process should be cancelled on the basis of the findings which were arrived at in the report of the first Committee. Those findings do not stand obliterated nor has the Tribunal found any fault with those findings. In this view of the matter, both the judgments of the Tribunal and the High Court are unsustainable.”*

41. In ***Tanvi Sarwal v. Central Board of Secondary Education and Others; (2015) 6 SCC 573***, where the investigations had revealed that the examination had been exposed to a deep-rooted conspiracy of a gang of persons, who with the aid of electronic devices had been able to access the beneficiary candidates with the answer keys during the test so as to enable them to solve the question paper and the benefit of answer key was availed by several candidates, the Supreme Court permitted the annulment of All India Pre-Medical and Pre-Dental Test, 2015, notwithstanding the fact that it would have definitely



disturbed the time schedule fixed by the Supreme Court in *Mridul Dhar (Minor) and Another (5) v. Union of India and Others; (2005) 2 SCC 65* and *Priya Gupta v. State of Chhattisgarh and Others; (2012) 7 SCC 433*.

42. What needs to be emphasized here is that only in the extraordinary fact situations where the examination in question is vitiated to the core by use of deceitful means benefitting the candidates in general, that the entire examination can be cancelled.

43. In *Vanshika Yadav v. Union of India and Others.; (2024) 9 SCC 743*, one of the latest pronouncements of the Supreme Court, the position of law was clearly adumbrated. A three Judges Bench of the Supreme Court in this case has opined that it is a settled law that the cancellation of an examination, either for the purposes of gaining admission to any professional or other courses or for the purposes of recruitment to Government posts, is justified only in cases where the sanctity of the examination is found to be compromised at a systemic level. A Court can direct cancellation of an examination or approve such cancellation by the competent authority only





if it is not possible to separate the tainted candidates from untainted ones.

44. Again, while taking reference of *Anamica Mishra, Subhas Chandra Sinha, Madhyamik Shiksha Mandal, M.P. and Sachin Kumar (supra)*, the Supreme Court held that the purpose of testing whether the integrity of the exam has been compromised at a systemic level is to ensure that the cancellation of the examination which has already taken place and the holding of a fresh examination is a proportionate response. In that context, it was said that it is for this reason that the Courts must assess the extent of the use of unfair means, and separately, it must consider whether it is possible to separate tainted and untainted candidates. The direction in the aforementioned decision is that a holistic view is required to be taken by the Courts.

45. How to arrive at such a conclusion viz. whether the examination has suffered from widespread irregularities?

46. The Courts have to ensure that the allegations of malpractice are substantiated and that the materials on record point to that conclusion. There must be at least some



evidence to allow the Court to reach that conclusion. However, it was also clarified that this standard of test need not be unduly strict i.e. to say that it is not necessary that the materials pointed out regarding irregularities ought to indicate that the only conclusion which any prudent person would arrive at would be that malpractice has taken place at a systemic level and not otherwise.

47. One of the major grounds, apart from malpractice, cheating and paper leak for demanding re-examination is that many of the questions were wrongly answered in the model key answers. It would be profitable to first refer to the law on the subject, as has developed over five decades. The Courts have entertained such challenges to the suggested answers in the model key answers on very limited ground, giving due weight to the opinions of the Subject Experts.

48. A Three Judges Bench of the Supreme Court in ***Kanpur University, through Vice-Chancellor and Others v. Samir Gupta and Others; (1983) 4 SCC 309*** had considered a case where challenge was made to the key answers supplied by the paper-setter in an objective type



test for admission in medical courses. The jurisdictional High Court had accepted the challenge to different questions, but the Supreme Court reversed that decision. According to the Supreme Court, such findings by a Court of law would greatly affect the student community. It was thus held that no challenge should be allowed to be made to the correctness of a key answers unless, on the face of it, it is wrong. The key answers should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalization. (emphasis supplied)

49. Following the above judgment in ***Kanpur University*** (supra), the Supreme Court in ***Manish Ujwal and Others v. Maharishi Dayanand Saraswati University and Others; (2005) 13 SCC 744*** found that in case of incorrectness of key answers, it would be unfair to penalize the students for giving a correct answer. The High Court in that case had expressed doubt whether it could be said with certainty that the answers to the questions given in the key answers were erroneous and incorrect. The Supreme Court did not approve of this, especially when the key answers



were found to be palpably and demonstrably erroneous.

50. In ***Guru Nanak Dev University v. Saumil Garg and Others; (2005) 13 SCC 749***, the Supreme Court had directed the University to re-evaluate the answers of 8 questions with reference to key answers provided by CBSE.

51. In ***Rajesh Kumar and Others v. State of Bihar and Others; (2013) 4 SCC 690***, the facts were that Bihar Staff Selection Commission had invited applications against posts of Junior Engineers (Civil). The selection process comprised a written objective type examination. The unsuccessful candidates had assailed the selection. The High Court had referred the model key answers to the Experts and based on the reports of the Experts, the High Court had held that 41 model answers out of 100 were wrong. It was thus concluded by the High Court that the entire examination was liable to be cancelled and so also the appointments made on the basis thereof. This judgment was challenged before the Division Bench of the Patna High Court, which appeal was partly allowed and the judgment of the learned Single Judge was modified holding that the entire examination need not have been cancelled. This



judgment of the Division Bench was again challenged before the Supreme Court. In that circumstance, the Supreme Court was of the view that given the nature of the defect in the answer key, the most natural and logical way of correcting the evaluation of the scripts was to correct the key and get the answer scripts re-evaluated on the basis thereof. There was, in the circumstances, in the opinion of the Supreme Court, no compelling reason for directing a fresh examination to be held by the Commission, especially when there was no allegation about any malpractice, fraud or corrupt motives which could possibly vitiate the entire examination. Re-evaluation was a better option.

52. In *Rishal and Others v. Rajasthan Public Service Commission and Others*; (2018) 8 SCC 81, it was observed that the key answers prepared by the paper-setters or the examining body is presumed to have been prepared after due deliberations. The publication of key answers is a step to achieve transparency and give an opportunity to candidates to assess the correctness of the answers. An opportunity to file objections against the key answers uploaded by the examining body is a step to achieve



fairness and perfection in the process. The objections to the key answers are to be examined by the Experts and thereafter corrective measures, if any, should be taken by the examining body.

53. In *Rishal* (supra), the Supreme Court took note of the fact that after considering the objections, the final key answers were published by the Commission, whereafter several writ petitions were filed challenging the correctness of the key answers adopted by the Commission. The jurisdictional High Court had repelled the challenge, accepting the views of the Experts. The candidates had approached the Supreme Court. The Supreme Court directed the Expert Committee to re-examine the questions. The report of the Expert Committee also did not satisfy some of the appellants. The Supreme Court ultimately directed the Rajasthan Public Service Commission to revise the result of all candidates including all the appellants on the basis of the report of the Expert Committee and publish the entire revised result.

54. In *Ran Vijay Singh and Others. v. State of Uttar Pradesh and Others*; (2018) 2 SCC 357, the Supreme



Court after referring to several case laws, including the cases referred to above [**Himachal Pradesh Public Service Commission. v. Mukesh Thakur and Another; (2010) 6 SCC 759, Paritosh Bhupeshkumar Sheth v. Maharashtra State Board of Secondary and Higher Secondary Education; (1980) SCC OnLine Bom 148, Pramod Kumar Srivastava v. Chairman, Bihar Public Service Commission, Patna and Others; (2004) 6 SCC 714, Secy. W.B. Council of Higher Secondary Education v. Ayan Das and Others; (2007) 8 SCC 242; Board of Secondary Education v. Pravas Ranjan Panda and Another; (2004) 13 SCC 383; President, Board of Secondary Education, Orissa and Another v. D. Suvankar and Another; (2007) 1 SCC 603 and Central Board of Secondary Education through Secretary, All India Pre-Medical/Pre-Dental Entrance Examination and Others v. Khushboo Shrivastava and Others ; (2014) 14 SCC 523]** listed the following conclusions:-

(a) 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;

(b) If a statute, rule or regulation governing an examination does not permit re-evaluation or scrutiny of an answer-sheet, 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 rationalization and only in rare or exceptional cases where a



material error is committed;

(c) The Court should not at all re-evaluate or scrutinize the answer-sheets of a candidate as it has no expertise in the matter and the academic matters are best left to the academics;

(d) The Court should presume the correctness of the key answers and proceed on that assumption; and

(e) In the event of a doubt, the benefit should go to the Examination Authority rather than to the candidates.

55. In *Ran Vijay Singh* (supra), the Supreme Court, as a parting note, observed 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 suffer. 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 held since mathematical precision is not always possible.





The safest course in such a situation is to exclude the suspect or offending question.

56. The Supreme Court also lamented that despite several decisions of the Apex Court, there have been interferences by the Courts in the result of the examination. This places the Examination Authorities in an unenviable position where they are under scrutiny and not the candidates. Additionally, a massive and some times prolonged examination exercise concludes with an air of uncertainty. Like students who undertake lot of efforts in the preparation for an examination, the Examination Authorities also put in equally great efforts to successfully conduct the examination. There could be some lapse because of the enormity of the task involved, but the proper course for the Courts is to insist for the internal checks and balances and the SOP being adhered to before making any interference. Interference more often than not largely impacts the academic life and the career of students which might lead to the sufferance of public interest. The advisory of the Hon'ble Supreme Court, therefore, is that the Courts must be very circumspect in interfering and deciding on the



correctness of the key answers.

57. Does it, therefore, mean that under no circumstance can the correctness of the key answer could be challenged?

58. The answer is definitely in the negative.

59. The wide powers under Article 226 of the Constitution of India is always available to a person, but subject to the caveat that there could be no questioning of key answers with respect to its correctness on the basis of deductions and inferential logic. Interference can only be made if the answer is palpably wrong, admitting of no other opinion except the incorrectness of it.

60. With the aforementioned position of law, we have examined the objections of the petitioners with respect to key answers against several questions which were referred to the Subject Experts by the Commission and the correct answers were propounded by giving reasons. It would be profitable to extract the decision of the Subject Experts with regard to the answers which have been challenged by the candidates. The opinion of the Subject Experts is not mere opinion but is based on reasoning. In such circumstances,



61. For ready reference, we extract the decision of the Subject Experts with regard to the answers which have been challenged by the candidates:-

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 **Bharatiya Samiksha Board**

**विद्यार्थी सोच सेवा आयोग, पटना।**

**सूचना:** सभी विद्यार्थी (स्नातकोत्तर) स्वीकृतित निकाय का आयोजन दिनांक 15.02.2024 को होगा तथा निकाय में सामान्य अध्ययन (General Studies) विभाग की सिफ्टिंग (संशुद्धि) प्रमाण लेख परीक्षा से 150 अंकों के औपचारिक उत्तरों को आधार में देखा जाएगा तथा लिखित परीक्षा एवं लिखित परीक्षा/प्रश्नों की मात्रा को नहीं बदला जाएगा। अध्यापकों को और/अधिक जानकारी के लिए विभाग के लिखित कार्य सेवा अधिकारी, पटना में आवेष्टित विभाग विशेषज्ञ समिति की वेबसाइट [www.bsbpatna.org](http://www.bsbpatna.org) पर जाकर देखें। यदि कोई छात्र या छात्रिका को कक्षा में शामिल करने का अनुरोध करना है तो उसे सूचित किया जावेगा।

**SERIES - "E", General Studies**

|     |     |     |         |     |     |      |         |      |     |
|-----|-----|-----|---------|-----|-----|------|---------|------|-----|
| 1.  | D ✓ | 31  | D ✓     | 51. | B ✓ | 91.  | B ✓     | 121. | C ✓ |
| 2.  | B ✓ | 32. | D ✓     | 52. | B ✓ | 92.  | C ✓     | 122. | A ✓ |
| 3.  | B ✓ | 33. | D ✓     | 53. | D ✓ | 93.  | D ✓     | 123. | B ✓ |
| 4.  | A ✓ | 34. | D ✓     | 54. | D ✓ | 94.  | D ✓     | 124. | C ✓ |
| 5.  | B ✓ | 35. | D ✓     | 55. | C ✓ | 95.  | B ✓     | 125. | D ✓ |
| 6.  | A ✓ | 36. | A ✓     | 56. | B ✓ | 96.  | A ✓     | 126. | B ✓ |
| 7.  | C ✓ | 37. | D ✓     | 57. | A ✓ | 97.  | B ✓     | 127. | B ✓ |
| 8.  | B ✓ | 38. | B ✓     | 58. | C ✓ | 98.  | B ✓     | 128. | B ✓ |
| 9.  | A ✓ | 39. | B ✓     | 59. | B ✓ | 99.  | D ✓     | 129. | A ✓ |
| 10. | D ✓ | 40. | A ✓     | 70. | A ✓ | 100. | C ✓     | 130. | B ✓ |
| 11. | B ✓ | 41. | D ✓     | 71. | C ✓ | 101. | Deleted | 131. | C ✓ |
| 12. | B ✓ | 42. | A ✓     | 72. | A ✓ | 102. | C ✓     | 132. | D ✓ |
| 13. | C ✓ | 43. | D ✓     | 73. | A ✓ | 103. | A ✓     | 133. | C ✓ |
| 14. | C ✓ | 44. | A ✓     | 74. | B ✓ | 104. | C ✓     | 134. | C ✓ |
| 15. | A ✓ | 45. | B ✓     | 75. | A ✓ | 105. | C ✓     | 135. | B ✓ |
| 16. | C ✓ | 46. | A ✓     | 76. | C ✓ | 106. | C ✓     | 136. | A ✓ |
| 17. | A ✓ | 47. | D ✓     | 77. | A ✓ | 107. | A ✓     | 137. | C ✓ |
| 18. | C ✓ | 48. | B ✓     | 78. | D ✓ | 108. | B ✓     | 138. | C ✓ |
| 19. | D ✓ | 49. | B ✓     | 79. | A ✓ | 109. | C ✓     | 139. | C ✓ |
| 20. | C ✓ | 50. | A ✓     | 80. | A ✓ | 110. | D ✓     | 140. | A ✓ |
| 21. | C ✓ | 51. | D ✓     | 81. | D ✓ | 111. | A ✓     | 141. | C ✓ |
| 22. | B ✓ | 52. | C ✓     | 82. | C ✓ | 112. | A ✓     | 142. | D ✓ |
| 23. | C ✓ | 53. | D ✓     | 83. | A ✓ | 113. | D ✓     | 143. | D ✓ |
| 24. | B ✓ | 54. | B ✓     | 84. | A ✓ | 114. | Deleted | 144. | D ✓ |
| 25. | C ✓ | 55. | D ✓     | 85. | B ✓ | 115. | C ✓     | 145. | D ✓ |
| 26. | C ✓ | 56. | D ✓     | 86. | C ✓ | 116. | D ✓     | 146. | D ✓ |
| 27. | A ✓ | 57. | C ✓     | 87. | C ✓ | 117. | Deleted | 147. | C ✓ |
| 28. | C ✓ | 58. | Deleted | 88. | A ✓ | 118. | A ✓     | 148. | D ✓ |
| 29. | C ✓ | 59. | C ✓     | 89. | C ✓ | 119. | A ✓     | 149. | C ✓ |
| 30. | C ✓ | 60. | D ✓     | 90. | D ✓ | 120. | A ✓     | 150. | A ✓ |

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- 409
- Q.No. 01- No Change.  
Reason :- Pyrite is an ore for extraction of sulphur.
- Q.No. 04- No Change.  
Reason :- The shifting of the Capital from Calcutta (Kolkata) to Delhi took place in 1912. In 1911 (12-12-1911) only the announcement regarding the transfer was made. (Tarachand History of the National Movement Vol-III P.435).
- Q.No. 30- No Change.  
Reason :- Financial year 2023 means 1<sup>st</sup> April 2023 to 31 March 2024. IP data reveals that in financial year 2023 Capital Goods and Infrastructure /Construction goods increased 13.1% and 8.4% respectively. Rest of the combined Sectors didn't grow significantly.
- Q.No. 32- No Change.  
Reason :- In April 2024, in the meeting of UN Security Council, proposal to allow Palestine as full member of UNO, USA voted against and U.K and Switzerland abstained from the voting.
- Q.No. 35- No Change.  
Reason :- Both alternatives 'A' and 'C' are correct. Hence the right option is option 'D'.
- Q.No. 38- No Change.  
Reason :- Article 192(1) of Indian constitution says, 'If any question arises as to whether a member of the legislature of a State has become subject to any of the disqualification mentioned in clause (1) of 191, the question shall be referred for the decision of the Governor and his decision shall be final.'
- Q.No. 22- No Change.  
Reason :- Splenic fever is caused by a bacterium *Bacillus anthracis* and diagnosed by fever and extensive enlargement of spleen (splenomegaly). Both Cholera and Typhoid are bacterial diseases, but not related to disorder of spleen. Hence 'Aetirax' is correct answer.
- Q.No. 42- No Change.  
Reason :- The founder of the Farazi movement was Haji Shariatullah. (B.L.Grover, P.184).
- Q.No. 43- No Change.  
Reason :- Lok Sangraha was one of the newspaper published by Swami Shubhjanand.
- Q.No. 45- No Change.  
Reason :- According to CRISIL Rating report the corporate bond market is expected to grow to Rs 100-120 lakh Crore by Financial year 2030.
- Q.No. 52- No change.  
Reason :- Motorcycle gets energy from battery likewise life gets energy from sun.
- Q.No. 54- No Change.  
Reason :- Bhaskar varman was the ruler of Assam during the regime of Harsha.
- Q.No. 58- Deleted.  
Reason :- The Spores formation takes place in-Algae during asexual reproduction, Fungi during sexual reproduction and in Fern during reproduction. Thus more than one option is correct.



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- 66 -
- Q.No. 61- No change.  
Reason :- As per Economic Survey 2023-24 Page No. 10 paragraph 1.12 the Correct option is 'B' for GVA is FA 2024.
- Q.No. 66- No Change.  
Reason :- The question is about identifying the lowestest match.
- Q.No. 76- No Change.  
Reason :- Nine Countries including Japan recognized the provisional Govt. of Free India. (R.L. Guver, P.472). Japan, Germany, Italy, Thailand, Burma, Manchukuo, Croatia, Nanking(China), Philippines recognized this government.
- Q.No. 81- No Change.  
Reason :- Victoria was proclaimed as Queen Empress of India in the Delhi Durbar of 1877. Option 'D' is correct.
- Q.No. 84- No Change.  
Reason :- P.N.Ojha is the editor of the Book: Hundred years of Indian National Congress in Bihar.
- Q.No. 89- No Change.  
Reason :- Nanda Dynasty ruled over Magadh after Shishunag.
- Q.No. 93- No Change.  
Reason :- Sodium bicarbonate produces more carbon dioxide than Sodium carbonate when they react with sulphuric acid. Del. sulphuric acid is better than Conc. sulphuric acid.
- Q.No. 97- No Change.  
Reason :- According to NCERT Book 'Themes in world History' Page No-166 the triangular commerce was for opium.
- Q.No. 98- No Change.  
Reason :- Southern hilly Region of present Bihar is a different physiographic Unit from Bihar Plains.
- Q.No. 103- No Change.  
Reason :- Malik kafur was purchased by Nasim Khan. (J.L. Mehta Advance History of Medieval India Vol.1, Page 146 & 56)
- Q.No. 101- Deleted.  
Reason :- The debate regarding STS struggle came up during the Civil Disobedience Movement. None of the options is correct.
- Q.No. 102- No Change.  
Reason :- Phosphorus is essential requisite for stimulating seed germination and early growth in plants. Potassium and Nitrogen, the essential components of fertilizer are required for later stage development. Hence phosphorus is correct answer.
- Q.No. 113- No Change.  
Reason :- All the three options (A, B, C) are features of 1935 Act. option D does not find mention in the Act.
- Q.No. 114- Deleted.  
Reason :- The reference year is not mentioned in the question.





- Q.No. 117- Deleted.  
Reason :- RBI revises the data every quarter. On 6<sup>th</sup> December 2024, The revised estimated data was 4.8, which is not mentioned in the options. The exam was held on 13-12-2024.
- Q.No. 120- No Change.  
Reason :- The decision to form a new province of Bihar was announced earlier but it came into existence from 01.04.1912.
- Q.No. 127- No Change.  
Reason :- On the basis of Bihar Economic Survey 2023-2024 on page no-19, Table A.1.1 the basis of calculation value comes to Rs 54111 (Also mentioned on Page-23).
- Q.No. 136- No Change.  
Reason :- The region is 1st in the production of Iron. Other minerals are not significant.
- Q.No. 142- No Change.  
Reason :- Decomposition is the process by which organic matter is broken down into simpler substances by a variety of micro organism including bacteria and fungi. Fermentation is a redox metabolic process that converts sugar to acid, gases or alcohol in the absence of oxygen through specific microorganism. Hence decomposition is the best answer among four options.
- Q.No. 144- No Change.  
Reason :- The Hamas Leader Ismail Haniyeh was killed in Iran, alleged to be by bomb explosion or air strike.
- Q.No. 146- No Change.  
Reason :- Options 'A', 'B' & 'C' are correct. Hence 'D' is the correct option.

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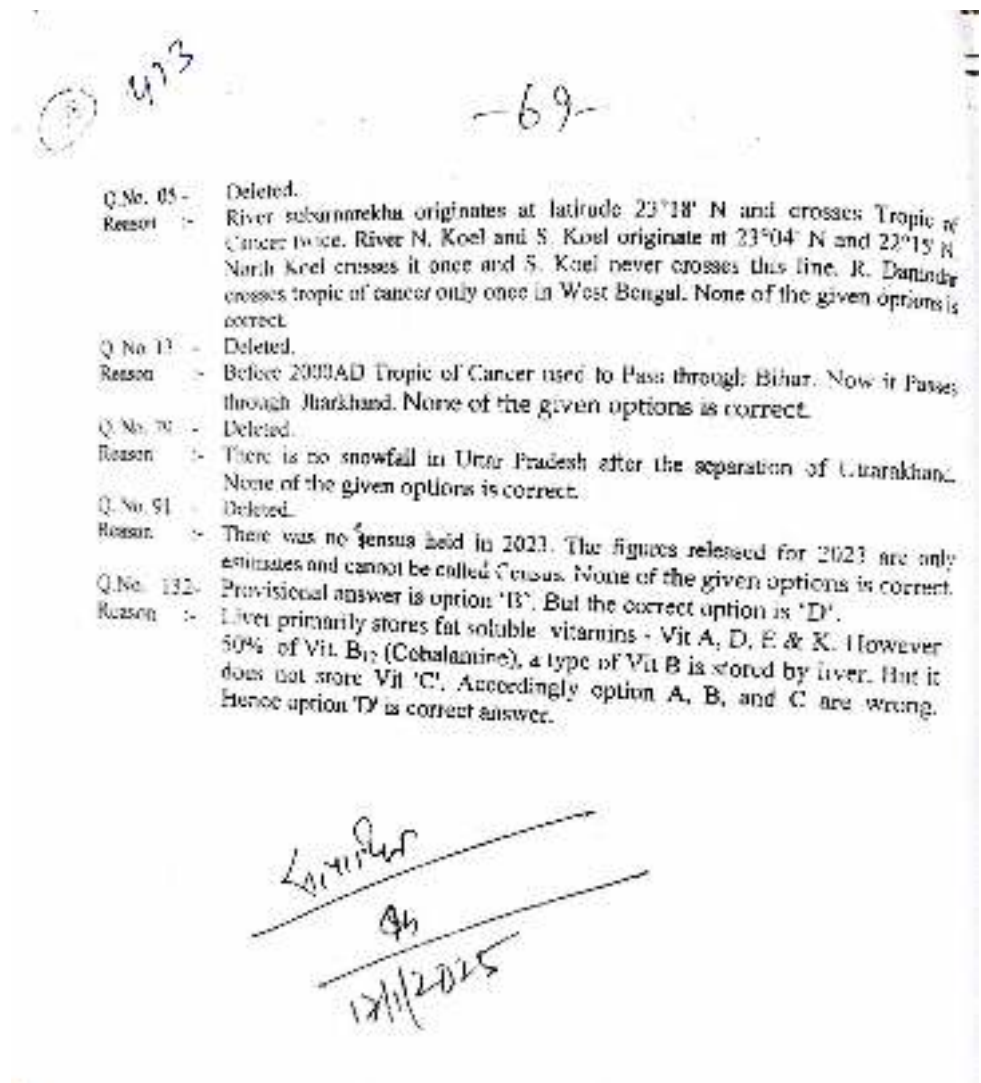
**बिहार लोक सेवा आयोग, पटना।**

संशुद्ध 70वीं संसुद्ध (प्रारम्भिक) प्रशिक्षणीय पुनर्परीक्षा का आयोजन दिनांक 04.01.2025 को किया गया। उक्त परीक्षा के सामान्य अध्ययन (General Studies) विषय के लिखित (वस्तुनिष्ठ) प्रश्नों (प्रश्न संख्या-01 से 160 तक) के औपचारिक उत्तरों को आयोग के वेबसाइट पर प्रदर्शित कर उम्मीदवारों से आपत्तियों की जाँच/समीक्षा की जाँच की गयी। सम्पन्नता प्राप्त आपत्तियों की जाँच/समीक्षा दिनांक 17.01.2025 को बिहार लोक सेवा आयोग, पटना में आयोजित विषय विशेषज्ञ समिति की बैठक में सम्पन्न की गयी एवं सिरीज 'A' के प्रश्न संख्या-01 से 160 तक के सभी प्रश्नों के उत्तरों का जीरोपरक एवं सॉल्यूशन्स विनाशित अंतिम आदर्श उत्तर तैयार किये गये:-

**SERIES :- 'A', General Studies**

|     |         |     |   |     |         |      |         |      |   |
|-----|---------|-----|---|-----|---------|------|---------|------|---|
| 1.  | B       | 31. | A | 61. | D       | 91.  | Deleted | 121. | A |
| 2.  | A       | 32. | B | 62. | B       | 92.  | C       | 122. | B |
| 3.  | A       | 33. | C | 63. | A       | 93.  | B       | 123. | B |
| 4.  | C       | 34. | A | 64. | D       | 94.  | B       | 124. | A |
| 5.  | Deleted | 35. | B | 65. | C       | 95.  | C       | 125. | D |
| 6.  | D       | 36. | C | 66. | A       | 96.  | B       | 126. | B |
| 7.  | C       | 37. | B | 67. | A       | 97.  | D       | 127. | A |
| 8.  | C       | 38. | D | 68. | B       | 98.  | B       | 128. | C |
| 9.  | B       | 39. | B | 69. | D       | 99.  | B       | 129. | C |
| 10. | D       | 40. | D | 70. | D       | 100. | D       | 130. | A |
| 11. | A       | 41. | B | 71. | B       | 101. | A       | 131. | A |
| 12. | B       | 42. | B | 72. | B       | 102. | C       | 132. | D |
| 13. | Deleted | 43. | B | 73. | B       | 103. | A       | 133. | D |
| 14. | C       | 44. | A | 74. | B       | 104. | A       | 134. | A |
| 15. | D       | 45. | B | 75. | A       | 105. | D       | 135. | D |
| 16. | D       | 46. | B | 76. | D       | 106. | B       | 136. | B |
| 17. | B       | 47. | A | 77. | A       | 107. | A       | 137. | A |
| 18. | D       | 48. | A | 78. | A       | 108. | A       | 138. | B |
| 19. | B       | 49. | D | 79. | Deleted | 109. | B       | 139. | A |
| 20. | C       | 50. | D | 80. | A       | 110. | B       | 140. | D |
| 21. | A       | 51. | B | 81. | D       | 111. | A       | 141. | C |
| 22. | A       | 52. | C | 82. | B       | 112. | C       | 142. | D |
| 23. | D       | 53. | A | 83. | B       | 113. | B       | 143. | B |
| 24. | B       | 54. | B | 84. | A       | 114. | A       | 144. | A |
| 25. | D       | 55. | A | 85. | C       | 115. | B       | 145. | C |
| 26. | A       | 56. | C | 86. | A       | 116. | C       | 146. | B |
| 27. | C       | 57. | D | 87. | D       | 117. | D       | 147. | C |
| 28. | B       | 58. | C | 88. | A       | 118. | A       | 148. | C |
| 29. | C       | 59. | B | 89. | A       | 119. | C       | 149. | A |
| 30. | B       | 60. | D | 90. | D       | 120. | D       | 150. | C |





62. The general chorus of the Advocates appearing for the petitioners, including the PIL, is for an enquiry by an agency like CBI or any other impartial agency to discover whether the functionaries of the Commission were hand in gloves with the education mafia, coaching centre handlers





and gangs who have always been stepping in the arena of examination and finding out ways and means for leaking the question papers.

63. The contention on behalf of the petitioners is that there appears to be an apparent camaraderie between the Commission and few of the coaching centre managements, or else there was no reason for holding a meeting, prior to the examination, of the management of the coaching centres.

64. The question whether High Court can direct CBI to start or to take over an investigation on the mere asking of the petitioners requires to be discussed.

65. A Constitution Bench of the Supreme Court in *State of West Bengal and Others v. Committee for Protection of Democratic Rights, West Bengal and Others; (2010) 3 SCC 571* had examined the question as to the rights of CBI to investigate a criminal offence in a State without its consent. The Supreme Court gleaned through Seventh Schedule, List-II, Entry 2 of the Constitution and held that the legislative power of the Union to provide for regular police force of one State to exercise power and



jurisdiction in any area outside the State can only be exercised with the consent of the Government of that particular State in which such area is situated. However, it was further held that notwithstanding the wide powers under Article 32 and 226 of the Constitution of India, the Courts must bear in mind certain self imposed limitations on the exercise of the Constitutional powers. The extraordinary power must be exercised sparingly, cautiously and in exceptional situations where it would become necessary to provide credibility and instil confidence in investigation or where any incident may have national or international ramifications or where such an order is necessary for doing complete justice and enforcing fundamental rights.

66. What the Supreme Court said in the aforementioned case was in continuation of the judgment in ***Secretary, Minor Irrigation & Rural Engineering Services, U.P. and Others v. Sahngoo Ram Arya and Another; (2002) 5 SCC 521***. In that case it dealt with the powers of the High Court under Article 226 of the Constitution of India. The High Court could order an inquiry to be conducted by the CBI



but only in such cases where the Court comes to a *prima facie* conclusion that there is a need for such an inquiry. Similar views were expressed by the Supreme Court in ***Sujatha Ravi Kiran alias Sujatasahu v. State of Kerala and Others; (2016) 7 SCC 597.***

67. Taking into account the aforementioned string of judgments, the Supreme Court had declined investigation by CBI in ***K. Saravanan Karuppasamy and another v. State of Tamil Nadu and Others; (2014) 10 SCC 406; Sudipta Lenka v. State of Odisha and Others; (2014) 11 SCC 527*** as also in ***Shree Shree Ram Janki Ji Asthan Tapovan Mandir and Another v. State of Jharkhand and Others; (2019) 6 SCC 777.***

68. In the present set of facts, the petitioners have not been able to make out a case for investigation into the so-called criminal misconduct of the members of the Commission or of any unholy alliance between the question solvers, persons interested in leaking the question papers for using it commercially and disturbing the purity of the recruitment process in a systemic way.

69. In the present case, it appears from the



pleadings of the petitioners that EOU of the State was on an alert mode even before the examination had begun.

70. Can this be read as a proof of question paper leak or malpractice having surely been followed?

71. What the petitioners have contended is that there was serious doubt about the leak of question papers, or else the EOU would not have been ready to start investigation. The EOU has submitted its report. The FIRs registered on 13.12.2024 are being investigated. Few of the examinees have also been debarred after having been identified as trouble makers. There is nothing on record which would prompt this Court in ordering for an inquiry into the conduct of the Commission or of the examination process in its entirety, where suggestions have been made that malpractices were rampant and there was a question paper leak.

72. True it is, that the question papers leaked at around 01:00 P.M. on 13.12.2024, but that was an isolated and episodic incident at one particular centre. That was the time when all the examinees were sitting in sanitized examination halls. There could be no way in which such



question paper leak could have benefited any of the examinees.

73. However, we deprecate the practice of the Commission holding a meeting with coaching institute management, avowedly for the purpose of preventing any mis-information to students who are associated with such coaching centres as also for seeking help from them, who have great sway and control over a large number of students.

74. The experience shows that coaching centres have burgeoned everywhere including the State of Bihar with heavy enlistment, which we are not sure, whether is a bane or boon.

75. It is beyond cavil that the education system has changed drastically over the last couple of decades. There was a time when it was not appreciated by reputed school management, if a child went for coaching classes which was generally provided for students, who could not compete with the rest of the class, by the school itself. Over a passage of time, on a perception of the success rate of students in taking admissions in 'A' Grade Colleges or in



recruitment process being very high, many such coaching institutes were established.

76. The most glaring critique of coaching institutes in India is their rampant commercialization of education. Commodification of imparting education into a business enterprise, driven by profit motives rather than a genuine commitment to knowledge and intellectual growth is by no means encouraging.

77. It may offer a great avenue for exam preparation, but as the critics say, it is hardly a centre for learning.

78. A French Economist and Parliamentarian, Frederic Bastiat, propounded an idea of broken window economics or broken window fallacy, which can be said to be applicable in case of coaching institutes.

79. Bastiat gave an example of a window being broken; the owner hiring a carpenter to fix it; the carpenter using the money to buy from the baker and so on. This was not a virtuous cycle; it is the broken window fallacy. The students aspiring to get admission in good colleges or get in service would go to school for their certification and would



also attend coaching classes. The teachers of coaching classes, who perhaps would be teachers in their vocation, would not teach in schools or colleges with such devotion as it would only fetch them their salary which would be far too less than what they would earn in coaching institutes. Had the boundaries of coaching institutes be limited to this only, perhaps likening it to a broken window fallacy would have been too harsh but the coaching centres becoming the rallying centres for agitation requires immediate concern of the authorities.

80. Let us have a look at the facts of this case in this perspective.

81. Right after the issuance of the advertisement inviting online applications, the students/aspirants appeared to have got a whiff that BPSC would subject the results of the impending examination to the process of normalization or scaling them.

82. Where from this information had come?

83. Students in large numbers started agitating even before the examination.

84. Who gave fillip to such a movement, when



there was no reference of it, either in the advertisement or in the SOP issued by the Commission?

85. The aspirants, instead of preparing for the on-coming examination, were busy sitting on *Dharna* with support from the owners of the coaching centres, most of whom gave bytes on social media.

86. Were they not whipping up the sentiments and susceptibilities of the students?

87. Normalization is the process of adjusting raw scores to account for variations in the difficulty levels of exam papers administered across multiple shifts. This statistical adjustment is a mechanism employed by examination taking body to ensure fairness and equity in the recruitment process. The principle and justification mandating normalization is that no individual or group ought to be subjected to arbitrary or unequal treatment. To iron out the discrepancy which arises as a result of unavoidable possibility of different papers being of different difficulty levels that the process of normalization is adopted. Individual discomfitures are inevitable in such a process, which cannot be the basis to unseat the entire





examination.

88. In the context of competitive exams, normalization eliminates the possibility of candidates being disadvantaged or advantaged merely due to the difficulty level of paper that they have taken. By equalizing the scores across different shifts, normalization facilitates a more just and equitable assessment of candidates.

89. There were no shifts in the preliminary examination; only different sets of question papers. There does not appear to be, on record, any assessment of the differing level of standard of rigor for the students to apprehend that the result would be subject to normalization.

90. Even if it were contemplated, there was no reason for students to agitate. It appears that only out of a nefarious desire of the coaching centre bosses to have more enlistment for more profit, instead of students being explained the concept of normalization, they were supported in their agitation, even before the exam is started. This was not a responsible act.

91. It appears that perhaps because of the perception of the Commission that these owners exercise



great control over the students, a meeting was fixed by the Commission with coaching centre owners to explain to the students and also secure help from them.

92. We repeat, this was wholly unnecessary, as it only gave these coaching centre owners the impetus to enter the arena and show their solidarity with students in the hope of getting more enlistments.

93. We deprecate this in the strongest of the terms.

94. It appears from the records that when the agitation was going beyond control, the Commission issued a press-note that there would be no normalization. The Commission also ought not to have taken such a stand and should have left it to a fair assessment later, but before the evaluation of the examination papers and publishing of the results, whether normalization was necessary. Two groups emerged unnecessarily; one being the proponent and the other the opponent of subjecting the result to normalization. This led to the lingering of the agitation. It appears that even after the re-examination of the candidates of one particular centre on 04.01.2025, a note was issued by the BPSC that there would not be any normalization.



95. We do not wish to comment on the decision of the Commission in this regard for the lack of expertise to get into the intricacies of the normalization procedure as also for no evidence being available on record, either for or against normalization, either of which decision, to be called arbitrary or to predict that it would bring unsustainable results.

96. We only intend to say that the Commission did not handle the situation appropriately.

97. Though we have found that a very detailed SOP has been formulated by the Commission, but it brings succor to none if it is not followed in letter and spirit. There should be zero lapse and zero tolerance to any unfair means, under any circumstance.

98. We are of the view that mere formulating SOP by the BPSC would serve no purpose. We, therefore, suggest that a High Level Committee be constituted by the BPSC on a permanent basis of suitably qualified experts who could ensure a comprehensive review of the security measures, candidate verification process and the overall management of the examination. They could also suggest to



the BPSC in making structural changes for addressing the vulnerabilities in the process. The conduct of an examination taking body, as big as BPSC, ought not to waiver and prevaricate on issues of importance and relevance.

99. We find that notwithstanding the SOP, there were lapses, logistical and structural, which does not augur well for the future. The number of the applicants will keep on rising by the years. If at all trust has to be restored in the examination system, suitable arrangements are required to be made to prevent any future malpractice, cheating or question leak.

100. The Committee so constituted should evaluate and recommend reforms in the mechanism of administration of the exams at all stages *i.e.* from the issuance of advertisement to publishing of the final result. The Standard Operating Procedure (SOP) also requires to be firmed up.

101. Needless to say that one of the suggestions should be for a comprehensive CCTV surveillance at all places which could become vulnerable in the examination



process. The Committee can also serve as a robust grievance redressal centre, if it develops the wherewithals for allowing the candidates and others to register complaints regarding the irregularities in the examination process. Scientific tools, which are advancing by the day, ought to be taken use of in strengthening the data security protocols, encryption etc., which would prevent any leak of the question papers.

102. The Supreme Court in *Vanshika Yadav (Supra)* has suggested that the Testing Agency may consider including digital watermarking and tracking technologies for tracing the origin of leaked documents and identify potential breaches in the electronic dissemination process. There should be audits at regular intervals to evaluate the effectiveness of the present security measures and further explore technological innovations to enhance the security and efficiency. In that connection, digital authentication, secure online platforms and other emerging technologies could be thought of.

103. Thus, to tie the strings together-

(I) There is no definite evidence of malpractice at



all the centres on 13.12.2024;

(II) There is proof of disturbance at BPP Centre at Patna with largest number of examinees;

(III) The Commission taking note of it, held a re-examination for that centre on 04.01.2025;

(IV) The aforementioned decision of the Commission cannot be faulted with, as the law on the subject is clear that if it is possible to segregate tainted candidates from untainted, it must be done rather than cancelling the whole examination;

(V) The question paper had leaked from one centre, namely, BPP Centre at Patna, at around 1:00 P.M., when the examinees in other centres were sitting in the sanitized examination halls;

(VI) There is, thus, no proof of any candidate having benefited from such paper leak;

(VII) The evidence offered by the petitioners for mass scale malpractice and paper leak are only Facebook and 'X' (Twitter) posts, post the examination;

(VIII) The success rate at different centres and in the re-examination is not so stark as to definitely conclude



that there were systemic flaws;

(IX) The Economic Offence Unit of the State getting on alert mode before the examination is no proof to conclude that question paper had leaked before the examination had started so as to justify the demand for a total re-examination;

(X) The evidence offered of some candidates having got special treatment at the State expense, even if accepted to be true, would be no proof of paper leak or cheating on a mass scale;

(XI) The Commission had called a meeting of the owners/teachers of coaching centres for facilitating communication with students on whom they have good control as also for the purposes of eliciting suggestions for peaceful, effective and fair conduct of examination; which action of the Commission, though is neither appropriate nor appreciable;

(XII) That few of the questions in the examination tallied with questions in the Model Question Paper of the coaching centres is again no proof of the Commission having taken Question Banks from such coaching centres;



(XIII) There could always be common questions from Question Banks of other competitive examinations in and outside the State;

(XIV) The argument with respect to impermissibility of holding another exam for few of the students on the premise of it being violative of Articles 14 and 16 of the Constitution of India is unacceptable and also in teeth of several decisions of the Supreme Court, which justify limited re-examination;

(XV) It is always best left open to the subjective assessment of the examination-taking body to evaluate the standard of difficulty levels in different examination papers in different shifts or in a situation of limited re-examination to adopt the procedure of normalization of results;

(XVI) There is an assumption that key answers provided by the examination taking body on the basis of the opinion of the Subject Experts is correct unless it is proved to be wrong;

(XVII) The objections to the key answers ought not to be by any inferential process of reasoning or by a process of rationalization;





(XVIII) The Commission appears to have considered several suggestions and relied on the Experts for formulation of key answers;

(XIX) Based on the suggestions and the opinion of the Subject Experts, many questions were deleted.

(XX) The objections were dealt with giving reasons in support of the answer;

(XXI) A Court of law ought not to re-evaluate or scrutinize the answers in a quest for finding out the correct answer despite consideration by the Subject Experts, as it has no expertise in the matter;

(XXII) Any interference on the basis of objection to the key answers with regard to its correctness can be entertained only if the key answer is palpably and demonstrably wrong;

(XXIII) In the event of a doubt about the answer, the benefit should always go to the Examination Authority rather than to the candidates;

(XXIV) No material or ground was suggested to direct for any CBI enquiry in the matter;

(XXV) The Commission, as on date, does not



intend to go for normalization;

(XXVI) In any event, a Court cannot enter the arena for the lack of expertise;

(XXVII) Students agitating against normalization even before the examination was a knee-jerk reaction where the students had fallen prey to rumours;

(XXVIII) They instead of being counseled were unfortunately provoked;

(XXIX) Though a detailed SOP has been formulated by the Commission with regard to every aspect of the examination taking process, but there appears to have been lapses but those are not of the kind and magnitude which would discredit the purity and fairness of the examination;

(XXX) That the portal server was slow before the last date of filling up of the online application, but there has been no complaint of any student not having been able to fill up the form because of the portal being not accessible;

(XXXI) The allegation of the jammers not being effective is based on no evidence;

(XXXII) There were torn TES bags only at one



centre;

(XXXIII) Malpractice, cheating or question leak was only episodic with no evidence of the answers having reached the examinees while they were writing their papers;

(XXXIV) The coaching centre owners ought to be more responsible in their conduct, which is expected of them.

(XXXV) A high level committee be constituted by the Commission on a permanent basis of experts who would ensure a review of the security measures and over-all management of the examination.

(XXXVI) The Commission must make structural changes for addressing the vulnerabilities in the process of examination. The SOP requires to be stepped up and efforts should be made to follow the SOP to its letters. A dedicated wing should be created to register complaints during the examination process at all stages. Higher technology of digital water-marking and tracking be adopted.

104. Based on the aforementioned circumstances and our observations, we are of the view that the prayers made on behalf of the petitioners cannot be acceded to.



105. The writ petitions are dismissed.

106. The Commission shall carry out the Mains Examination, ensuring that the process is peaceful, fair and transparent. The Commission shall also consider the suggestions given by us for firming up structurally to deal with such situations.

107. All the petitions are disposed off accordingly.

**(Ashutosh Kumar, ACJ)**

**Partha Sarthy, J:** I agree.

**(Partha Sarthy, J)**

krishna/PKP

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| AFR/NAFR          | AFR        |
| CAV DATE          | 19.03.2025 |
| Uploading Date    | 28.03.2025 |
| Transmission Date |            |

