

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.124 of 2022

In

Civil Writ Jurisdiction Case No.6594 of 2020

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Pramod Kumar Son of Shri Ramrup Ram Resident of Village- Gahna, Police Station- Haspura, District- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administrative Department, Government of Bihar, Patna.
3. The Chairman, Bihar Staff Selection Commission, Bihar, Patna.
4. The Secretary, Bihar Staff Selection Commission, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Prabhat Kr. Verma, AAG 3
For the BSSC	:	Mr. Satyabir Bharti, Sr. Advocate
		Mr. Abhishek Anand, Advocate
		Ms. Kanupriya, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

and

HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA)

Date : 03-09-2025

Heard Mr. Umesh Kumar Mishra, learned counsel for the appellant, Mr. Prabhat Kr. Verma, learned counsel for the State as well as Mr. Satyabir Bharti, learned counsel for the Bihar Staff Selection Commission.

2. The present appeal is directed against the order dated 2012.2021 passed in CWJC No. 6594 of 2020 by which the learned writ Court has been pleased to disposed of the writ petition on the ground that the petitioner has not pointed



out the vested right for the purpose of claiming question booklet and answer-sheet in respect of particular selection. The relevant paragraph is mentioned hereinbelow:-

*“Having regard tot he grievance of the petitioner that he wanted question paper book and answer booklet in respect of Civil Engineer examiantion for the post of Junior Engineer Civil. He has not appreciated that he has a vested right and any provision of law. In the absence of vested right, petitioner is not entitled to writ of mandamus from this Court. Apex Court in the cae of **Mani Subrat Jain Etc. Vs. State of Haryana and Ors.** Reported in **A.I.R. 1977 SC 276** interpreted Article 226 in respect of writ of mandamus. In the said decision it is noticed that two incredients were required to be taken note. The two incredients are vested right/statutory right followed by demand before the competent authority. The petitioner has not pointed out vested right that he is entitled to question booklet and answer-sheet in respect of selection and appointment to the post of Junior Engineer Civil.*

The cited decision does not assist the petitioner since the petitioner therein has not pointed out vested right for the purpose of claiming question booklet and answer-sheet in respect of particular selection. Thus, the petitioner has not made out the case.



Accordingly, the present petition stands disposed off, reserving liberty to the petitioner to pursue remedy under RTI.”

3. Pursuant to the Advertisement No. 0411 of 2011 published by the Bihar Staff Selection Commission (hereinafter referred as BSSC), Bihar, Patna for the post of Junior Engineer Civil/Mechanical Examination 2018, the appellant had applied for the same and the BSSC had issued admit card and examination for the post in question was conducted on 25.02.2018 but the appellant has not succeeded in the said examination. The appellant then sought an information under the Right to Information Act from the BSSC with regard to the reasons of declaring him unsuccessful. The Public Information Officer, BSSC, Bihar, Patna gave the information to the appellant that he has secured 63.6% marks in general knowledge and in civil engineering he got 31.8% marks, whereas, the eligibility was 32%.

4. Mr. Satyabir Bharti, learned counsel for the BSSC has argued that the appellant has filed a writ petition directing the respondent-concerned authority to provide the original certified copy of the question booklet as well as answer-sheet for Civil Engineering examination under the



advertisement in question for the post of Junior Civil Engineer and the appellant has no vested right and no provision of law to get the original certified copy of the question booklet as well as answer-sheet for the examination in question. He further submits that the writ Court has rightly disposed of the writ petition holding that that the appellant is not entitled to writ of mandamus on the basis of the Apex Court’s judgment in the case of **Mani Subrat Jain Etc. Vs. State of Haryana and Ors.** reported in **A.I.R. 1977 SC 276** and apart from the aforesaid, the writ Court has given liberty to the appellant to pursue the remedy under the RTI Act.

5. We have perused the records and we find that there is no infirmity or irregularity in the impugned order.

6. Hence, there is no merit in the appeal and accordingly, it stands dismissed.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Vanisha/-

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