

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5713 of 2025

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Tarkeshwar Pandey Son of Atma Pandey, resident of village- Gayghat, P.O.-
Gagghat, P.S., Ander, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Bihar Public Service Commission, Patna.
3. The Chairman, Bihar Public Service Commission, Patna.
4. The Secretary, Bihar Public Commission, 15, Nehru Path (Bailey Road), Patna.
5. The Controller of Examination, B.P.S.C, Patna.
6. The Joint Secretary- cum- Examination Controller, Bihar Public Service Commission 15, Nehru Path (Bailey Road), Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prasoon Kumar, Advocate
	:	Ms. Ritambara Kumari, Advocate
For the State	:	Mr. Government Pleader (26)
For the B.P.S.C.	:	Mr. Rajni Kant Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL JUDGMENT

Date : 02-09-2025

Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel for the Bihar Public Service
Commission.

2. The present application has been filed for seeking
following relief(s):

*(i) For issuance of writ/writ,
direction/directions, order/orders preferably in the
nature of certiorari for setting aside the notification
dated 19/2 issued under the signature of examination
controller Bihar Public Service commission, Patna
whereby and where under this petitioner has been*



debarred from appearing in any examination conducted by B.P.S.C. from 12/12/2024 to 12/12/2027 without assessing any proper reason of debarment, the petitioner stands on Serial no. -7 of the said debarment list.

3. The petitioner who is one of the aspirant of 70th (Preliminary Combined Competitive Examination) conducted by Bihar Public Service Commission is aggrieved with the order as contained in notice dated 19.02.2025 (Annexure P/5) to the writ petition issued under the signature of Examination Controller, Bihar Public Service Commission, Patna whereby the petitioner has been debarred from appearing in any examination conducted by the Bihar Public Service Commission from 12.12.2024 to 12.12.2027 on account of the reasons mentioned in the order impugned.

4. Learned counsel for the petitioner submits that the petitioner is a civil service aspirant and has applied for Bihar Public Service Commission preliminary test in pursuant to advertisement for integrated 70th (Preliminary Combined Competitive Examination) by the Bihar Public Service Commission on 06.10.2024. thereafter, the petitioner has appeared in P.T. examination, which was scheduled to be held on 13.12.2024. The P.T. examination had to be started by 12:00 P.M. but the question paper of the examination was distributed among



the students late by 30 minutes i.e. on 12:30 P.M. for the reason best known to the center Superintendent. After the P.T. examination when the petitioner came out from the examination center, he came to know from the crowd and various persons from the media house standing outside the examination center that some irregularities were done by the examination conducting authorities. He also came to know that the questions papers of P.T. examination center had already leaked. One person/reporter from media house asked this petitioner about the manner in which the P.T. examination was conducted and the petitioner told the reporter that the question paper of P.T. was circulated between the students at 12:30 P.M. i.e. after a delay of half an hour. For the same 30 minutes extra time was also given to the students. The edited video clip of the petitioner was circulated on social media platforms without showing the entire contents of the media clip which the petitioner has given.

5. Learned counsel for the petitioner submits that thereafter, all of us sudden on 13.12.2024 a show cause notice has been issued to the petitioner containing his P.T. examination roll no. 540838 about the said clip which he has given to a news channel. The said show cause notice doesn't contain any specific allegation levelled against the petitioner. The said show cause



notice was issued by Controller of Examination, B.P.S.C., Patna. The aforesaid show cause notice was served upon the petitioner through the registered email Id, the petitioner get completely shocked when he got to know about the said show cause notice containing vague and baseless allegations against him. In response to the aforesaid show cause, the petitioner filed his detailed show cause reply that he has not given any statement before any news channel or social media platform which would promote any rumor or defame the image of B.P.S.C., Patna. The petitioner has very clearly mentioned the fact that his video clip was edited by the media house and a part of his statement given in the news bite was deliberately made viral. The petitioner at no occasion has even intended to make any statement which amounts to defamation or promotes any kind of rumor in general public regarding question paper leak of Preliminary Test examination which was conducted by the B.P.S.C., Patna on 23.12.2024.

6. Learned counsel for the petitioner submits that the respondents Bihar Public service commission, Patna has not considered the show cause reply submitted by the petitioner to the official email-id of B.P.S.C. from his registered email-id. The petitioner has been debarred from any examination conducted by the B.P.S.C., Patna for three years i.e. 13/12/2024 to 12/12/2027



without any reason in a very illegal and routine manner on 19/2/2025 by order passed by controller of examination, B.P.S.C.

7. Learned counsel for the petitioner further submits that the action of the respondent with regard to passing of order of debarment of present petitioner from any examination to be conducted by B.P.S.C., Patna for 3 years is highly illegal, improper and also against the established principle of law. The action of the respondent of debarment of the petitioner is a policy of pick and choose and also a very discriminatory one. The same requires the immediate interference of this this Court. The order of debarment contained Annexure - 5 itself contains several error on its face and hence liable to be set aside in the interest of justice.

8. Learned counsel for the B.P.S.C. has filed a counter affidavit and has reiterated his stand.

9. The name of the petitioner is at Serial No.7 in the impugned order dated 19.02.2025, which reads as follows:

बिहार लोक सेवा आयोग

15. नेहरू पथ (वेली रोड), पटना-800001

आवश्यक सूचना

बिहार लोक सेवा आयोग, पटना द्वारा आयोजित एकीकृत 70वीं संयुक्त (प्रारम्भिक) प्रतियोगिता परीक्षा के परीक्षा अवधि में प्रश्न-पत्र एवं उत्तर-पत्र परीक्षा कक्ष से बाहर ले जाने एवं लहराने / परीक्षा को बाधित करने/अफवाह फैलाने/आयोग की छवि को धूमिल करने में संलिप्त 12 (बारह) उम्मीदवारों एवं Impersonation में लिप्त 01 उम्मीदवार की सूची निम्नवत् है:-



Sl. No.	ROLL	Name	Father Name	Mother Name	DOB	Permanent Address	Debarment Reason	Debarment Period
1.	531279	KAUSHAL KUMAR	RABINDRA KUMAR	BABY DEVI	30/12/1994	385 UJJWAL NIWAS, Tarkeshwar Nath PATH CHIRAIYANTA ND P.O.-GPO patna Patna Bihar	परीक्षा अवधि में प्रश्न-पत्र एवं उत्तर-पत्रक परीक्षा कक्ष से बाहर ले जाने एवं लहराने / परीक्षा को बाधित करने /अफवाह फैलाने/आयोग की छवि को धूमिल करने में संलिप्त	13.12.24 to 12.12.27 (03 वर्ष)
2.	533295	SACHIN KUMAR RAY	SOPAL RAY	JITANEE DEVI	05-11-2003	TETALIYA KURHAILA BOBRA KADWA Katihar Bihar		
3.	537154	RAJU KUMAR GUPTA	HIRA SAH	VIGANI DEVI	01-05-1989	VILL NAWADIH PO GAMHARIYA PS AKORHI GOLA Rohtas Bihar 4.		
4.	537394	SHUBHAM KUMAR	RAVINDRA PRASAD BHAGAT	DEVI RENU	04-07-2001	WARD NO 14 MADHURA WEST NARPATGANJ Araria Bihar		
5.	537965	ANISHA	PRADEEP KUMAR	USHA DEVI	19/08/2000	19/164 DAKSHINPURI EXTENTION Delhi		
6.	538388	KARAN KUMAR	RAMSEVAK PASWAN	SURYI DEVI	02-05-1990	VILL- CHORKAP POST- BHADOKHAR A PS- TILAUTHU Rohtas Bihar		
7.	540838	TARKESH WAR PANDEY	ATMA PANDEY	MEERA DEVI	03-07-1996	VILL- GAYGHAT POST- GAYGHAT PS-ANDER Siwan Bihar		
8.	540895	SUNIL KUMAR RAJ	RAMDEV RAM	MAYA DEVI	07-12-1998	VILL- PARSHURAMP UR NARAUNI TOLA PO- PARSHURAMP UR PS-PIPRA Purbi Champaran Bihar		
9.	541191	RATISH RANJAN	PATIRAM RAM	FULMATI DEVI	15/05/1987	VILLAGE- NAWTAN POST- NAWTAN VIA- EKMA Saran Bihar		
10.	540680	RAVI RANJAN KUMAR	RAJ KUMAR PASWAN	LALTI DEVI	01-10-1995	VILL KEDAR CHAWARI POST DAWATH PS DAWATH Rohtas Bihar		
11.	538546	MANISH KUMAR	SANJAY KUMAR JHA	RANI DEVI	21/03/1995	VILL-JAGATPUR PO-BARAIL PS- SUPAUL Supaul Bihar		
12.	369464	PRABHAKAR KUMAR	BUNNILAL SAH	URMILA DEVI	30/08/1996	VILL-BAJHIYA KHURD P.O- BHOPATPUR P.S-KOTWA Purbi Champaran Bihar	X (Twitter) Handle पर गलत अफवाह फैलाने में संलिप्त	13.12.24 to 12.12.27 (03 वर्ष)
13.	197488	ARVIND	CHAUDHAR	DEVI	20/04/1997	VILL-	Impersona	हमेशा के



		KUMAR	IINDAL	SAVITREE		KHARASIN POST- KHARASIN PS- KARPI Arwal Bihar	tion में संलिप्त	लिए प्रतिवा रित
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परीक्षा नियंत्रक, बिहार लोक सेवा आयोग,
पटना।

10. The Hon’ble Supreme Court in the case of *Kranti Associates Private Limited & Anr. vs. Masood Ahmed Khan & Ors. reported as (2010) 9 SCC 496*, in paragraph nos. 46 and 47, held as follows:

“46. The position in the United States has been indicated by this Court in *S.N. Mukherjee* 23 in SCC p. 602, para 11: AIR para 11 at p. 1988 of the judgment. This Court held that in the United States the courts have always insisted on the recording of reasons by administrative authorities in exercise of their powers. It was further held that such recording of reasons is required as "the courts cannot exercise their duty of review unless they are advised of the considerations underlying the action under review". In *S.N. Mukherjee* this Court relied on the decisions of the US Court in *Securities and Exchange Commission v. Chenery Corp.* and *Dunlop v. Bachowski* in support of its opinion discussed above.

47. Summarizing the above discussion, this Court holds:

(a) In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.



(b) A quasi-judicial authority must record reasons in support of its conclusions.

(c) Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

(d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

(e) Reasons reassure that discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations.

(f) Reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

(g) Reasons facilitate the process of judicial review by superior courts.

(h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.

(i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors



have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

(j) Insistence on reason is a requirement for both judicial accountability and transparency.

(k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

(l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or "rubber-stamp reasons" is not to be equated with a valid decision-making process.

(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor².)

(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See Ruiz Torja v. Spain^{RB} EHRR, at 562 para 29 and Anya v. University of Oxford^e, wherein the Court referred to Article 6 of the European Convention of Human Rights which requires,



“adequate and intelligent reasons must be given for judicial decisions”

(o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "due process".”

11. The Hon’ble Supreme Court in the case of ***Delhi Transport Corporation vs. Ashok Kumar Sharma*** reported as **2024 SCC OnLine SC 1871**, held as follows:

*“17. Furthermore, the agenda item which was circulated by the CMD for consideration of the Board (reproduced supra) clearly indicates that the Board was to take a decision in the matter while considering the facts of the case and the reply submitted by the charged officer in response to the show cause notice dated 15th April, 2009. However, other than giving a blind approval to the show cause notice and the agenda item albeit referring to the reply of the charged officer, the Board's Resolution dated 29th April, 2009 does not reflect any independent or objective application of mind by the members of the Board to the enquiry report either individually or collectively. In this regard, reference may be made to the judgment rendered by this Court in the case of *A.L. Kalra v. Project & Equipment Corporation of India Ltd.*¹ the relevant paragraph*



thereof is reproduced hereinbelow for the sake of ready reference:—

“29. The situation is further compounded by the fact that the disciplinary authority which is none other than Committee of Management of the Corporation while accepting the report of the inquiry officer which itself was defective did not assign any reasons for accepting the report of the inquiry officer. After reproducing the findings of the inquiry officer, it is stated that the Committee of Management agrees with the same. It is even difficult to make out how the Committee of Management agreed with the observations of the inquiry officer because at one stage while recapitulating the evidence the inquiry officer unmistakably observed that appellant was subjected to double punishment and at other place, it was observed that granting extension of time and acceptance of documents and balance advance would tantamount to extending the time which would make the affair look wholly innocuous. This shows utter non-application of mind of the Disciplinary Authority and the order is vitiated.”

12. Considering the law laid down by the Hon’ble Supreme Court and the fact that from the order, it appears to be a



non speaking order and the detailed show cause submitted by the petitioner has not been considered, this application is allowed. The notice dated 19.02.2025 is hereby set aside with regard to the petitioner only.

(Sandeep Kumar, J)

anand/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.09.2025
Transmission Date	NA

