

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.495 of 2025
In
Civil Writ Jurisdiction Case No.4769 of 2022

1. Ravish Kumar, Son of Shailendra Singh Resident of Village- Kotawan, P.O. and P.S.- Barauli, District- Gopalganj (Bihar).
2. Ritesh Kumar, Son of Krishna Mahato Resident of Village- Chhota Shekhpura, P.O.- Chhota Shekhpura, P.S.- Narhat, District- Nawada (Bihar).
3. Arbind Kumar Son of Suresh Singh Resident of Village- Chhatihar, P.O.- Chhatihar, P.S.- Hisua, District- Nawada (Bihar).
4. Sanjay Kumar Son of Saheb Sahni Resident of Darbhanga (Abhanda), P.O. and P.S.- Laheriasarai, District- Darbhanga (Bihar).
5. Santosh Kumar Son of Jokhu Baitha Resident of Village and P.O.- Bankatwa, P.S.- Jitna, District- East Champaran (Bihar).
6. Vikas Kumar Utsav Son of Ramkripal Prasad Resident of Motihari, P.S.- Banjaria, District- East Champaran (Bihar).
7. Rajan Kumar, Son of Rambilas Prasad Singh, Resident of Village- Saraiya, P.O.- Barbiga, P.S.- Jairampur, District- Shekhpura (Bihar).
8. Pawan Kumar, Son of Mahesh Singh, Resident of Village- Rojapar, P.O., P.S. and District- Arwal (Bihar).
9. Bittu Kumar, Son of Krishna Prasad, Resident of Village, P.O. and P.S.- Haspura, District- Aurangabad (Bihar).
10. Nitish Kumar, Son of Nawal Kishor Singh, Resident of Village- Pendapur, P.O.- Kawa, P.S.- Hilsa, District- Nalanda (Bihar).
11. Santosh Kumar, Son of Anant Ram, Resident of Village, P.O. and P.S.- Udwantnagar, District- Bhojpur at Ara (Bihar).
12. Ankit Kumar, Son of Virendra Prasad Yadav, Resident of Village- Mor English, P.O.- Mor, P.S.- Mokama, District- Patna (Bihar).
13. Sauraw Kumar, Son of Vindeshwari Mandal, Resident of Village- Bariarpur Basti, P.O. and P.S. Bariarpur, District- Munger (Bihar).
14. Alok Kumar, Son of Loknath Prasad Chourasiya, Resident of Village- Kon, P.O. and P.S.- Nokha, District- Rohtas (Bihar).
15. Bijendra Chaudhary, Son of Ram Balee Chaudhary, Resident of Village- Masuda, P.O. Sakri Khurd, P.S.- Mehandia, District- Arwal (Bihar).
16. Ashish Kumar Sharma, Son of Ram Sringar Sharma, Resident of Village- Nawtan, P.O. and P.S. Vijaipur, District- Gopalganj (Bihar).
17. Mithilesh Kumar, Son of Ramjee Prasad, Resident of Village- Piprahiyan, P.O.- Usuri Kala, P.S. Isuapur, District- Saran (Bihar).
18. Jay Krishna Kumar, Son of Umesh Prasad Yadav, Resident of Village- Phutkipur, P.O.- Sanjha, P.S.- Rajoun, District- Banka (Bihar).
19. Jainendra Kumar, Son of Yadu Paswan, Resident of Village and P.O.- Pawa, P.S.- Deepnagar, District- Nalanda (Bihar).
20. Chandan Kumar, Son of Dineshwar Singh, Resident of Village- Kansopur, P.O.- Baidrabad, P.S. and District- Arwal (Bihar).



21. Rajesh Mohan, Son of Sudehan Paswan, Resident of Village- Tarwan, P.O.- Pabhera, P.S. Dhanarua, District- Patna (Bihar).
22. Shekhar Kumar, Son of Subhash Sharma, Resident of Village- Nayagaon Shiromani Tola, P.O.- Nayagaon, P.S.- Parbatta, District- Khagaria (Bihar).
23. Banti Kumar, Son of Parmanand Singh, Resident of Village- Dariyapur, P.S.- Muffasil, District- Munger (Bihar).
24. Harsh Kumar, Son of Anil Prasad Singh Resident of Village- Jwas, P.O.- Dhiradar, P.S.- Barahiya, District- Lakhisarai (Bihar).
25. Neeraj Kumar, Son of Nagina Paswan Resident of Village- Mustafapur, P.O.- Palatpura, P.S. Manpur, District- Nalanda (Bihar).
26. Avitav Bachan, Son of Ganga Prasad Singh, Resident of Village and P.O.- Haripur, P.S. Alouli, District- Khagaria (Bihar).
27. Shambhu Kumar, Son of Upendra Paswan Resident of Village- Pawapati, P.O.- Moratalab, P.S.- Noorsarai, District- Nalanda (Bihar).
28. Chandan Kumar, Son of Ramjee Chaudhary, Resident of Village, P.O. and P.S. Baruraj, District- Muzaffarpur (Bihar).
29. Munna Kumar Das, Son of ChhattarDas, Resident of Village- Chinveria, P.O.- Arbaria, P.S.- Laxmipur, District- Jamui (Bihar).
30. Gunnu Kumar, Son of Gautam Prasad Singh Resident of Village- Muraura, P.S.- Bihar Sharif, District- Nalanda (Bihar).
31. Harendra Kumar Manjhi, Son of Mahajan Manjhi Resident of Village and P.O.- Balia, P.S.- Maharajganj, District- Siwan (Bihar).
32. Banti Kumar, Son of Ganesh Mistry Resident of Village- Ramtola, P.O. and P.S. Hathidah, District- Patna (Bihar).
33. Narendra Kumar Rajak, Son of Mahendra Ram Resident of Village and P.O.- ChaturbhujiBaraon, P.S.- Piro, District- Bhojpur (Bihar).
34. Abhishek Kumar, Son of Awadhesh Prasad Resident of Village- Devi Sarai, P.O.- Maghra, P.S.- Deepnagar, District- Nalanda (Bihar).
35. Sudhakar Kumar, Son of Vijay Prasad Resident of Village- Kushwaha Nagar, P.O., P.S. and District- Aurangabad (Bihar).
36. Ramesh Kumar, Son of Ramchandra Sah Resident of Village- Lakhnauri, P.O. and P.S.- Muhabbatpur, District- Muzaffarpur (Bihar).
37. Abinash Kumar, Son of Prakash Mani Kumar Satyanshi, Resident of LakhanchandMadhotola, P.O.-Mokama Ghat, P.S.- Mokama, District- Patna (Bihar).
38. Raviranjana Kumar, Son of Satish Raghav Resident of English, Ward No.2, P.O., P.S. and District- Lakhisarai (Bihar).
39. Vikash Kumar, Son of Prabhansh Kumar Resident of Village Dulhinganj, P.O. SaneyaBarhta, P.S.-Jagdishpur, District- Bhojpur (Bihar).
40. Yuvraj Kumar Sah, Son of Babu Lal Sah Resident of Village and P.O.-Rajawar, P.S.- Rajoun, District- Banka (Bihar).
41. Rocky Kumar, Son of Bhola Prasad Resident of Village, P.O. and P.S.- Biharsharif, District- Nalanda (Bihar).
42. Rakesh Kumar, Son of Subhash Prasad Yadav Resident of Village and P.O.-Shri Nagar, P.S. Ghailarh, District- Madhepura (Bihar).



43. Raja Mukhia, Son of SugrivMukhia, Resident of Village- Laukaria, P.O.- Anjua, P.S.- Shikarpur, District- West Champaran (Bihar).
44. Awnish Kumar, Son of Sudhir Sharma, resident of Village- Shambhupura, P.O.- Tiskhora, P.S.- Naubatpur, District-Patna

... .. Appellant/s

Versus

1. The State of through the Director General of Police, Govt of Bihar, Patna.
2. The Principal Secretary, Dept of Home, Govt of Bihar, Patna
3. The Director General of Police, Bihar, Patna
4. The Bihar Public Sub-ordinate Service Commission through its Secretary, Santosh Manson, B-Block, Raghunath Path, Danapur, Patna.
5. The Chairman, Bihar Public Sub-ordinate Service Commission through its General Secretary, Santosh Manson, B-Block, Raghunath Path, Danapur, Patna.
6. The Secretary, Bihar Public Sub-ordinate Service Commission, Santosh Manson, B-Block, Raghunath Path, Danapur, Patna.
7. The Officer on Special Duty, Bihar Public Sub-ordinate Service Commission, Santosh Manson, B-Block, Raghunath Path, Danapur, Patna,
8. Manish Kumar Thakur, Son of Sheshnath Thakur, Resident of- Village-Somgadh, P.O.and P.S.- Sathi, Distrcit- West Champaran.
9. Nitesh Kumar, Son of Shiv Chandra Sah, Resident of- Village and P.O.- Banghra, P.S.- Ghatho, District- Samastipur.
10. Sanjeet Kumar, Son of Munarik Bind, Resident of Village and P.S. MaheshpurDih, P.O.- Yogipur, District- Nalanda.
11. Bambam Kumar, Son of Sanjay Roy, Resident of- Village- Sihma Tola, P.S. Muffasil, P.O. Dhabauli, District- Begusarai.
12. Aman Kumar Sudhanshu, Son of Binod Kumar Sudhanshu, Resident of- Village and P.O.- Madhurapur (Sourth Tola Nagar), P.S.- Teghra, District- Begusarai.
13. Raju Kumar, Son of Sunil Kumar Roy, Resident of- Village- Ghoda, P.O.and P.S.-Teghra, District- Begusarai.
14. Khushboo Kumari, Daughter of- Murari Sah, Resident of- Village and P.O.- Singhaul, P.S.- Singhaul, District- Begusarai.
15. Rohit Kumar, Son of Suresh Mahto, Resident of- Village- Sahilori, P.O.- Sanjat, P.S.- Bhagwanpur, District- Begusarai.
16. Kundan Kumar, Son of Pawan Kumar Pabnandu, Resident of village Begampur, P.O. Chhatauna, P.S.-Naokothi, District- Begusarai.
17. Sweety Kumari, Daughter of Shashi Bhushan Singh, Resident of- village and P.O.- Ullao, P.S.- Muffassil, District- Begusarai.
18. Krishna Kanahiya, Son of Ashok Kumar, Resident of- Village and P.O.- Chatauna, P.S.- Naokothi, District- Begusarai.
19. Deepa Kumari, Daughter of Raj Kishor Prasad Singh, Resident of Village Vrindavan, P.O. Dafarpur, P.S.-Naokothi, District- Begusarai.
20. Mala Kumari, Son of Sambhu Jha, Resident of- Village- ShamhoSarlahi, P.O.- S.S. Barari, P.S.-Shamho, District- Begusarai.
21. Kaju Kumar, Son of Ranjan Singh, Resident of- Village and P.O.- Katarmala,



P.S.- Dandari, District- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeet Kumar, Advocate
For the State : Mr. Sanjay Kumar Ghosarvey, AC to AAG 3
For the BPSSC : Mr. Sanjay Pandey, Advocate
Mr. Nishant Kumar Jha, Advocate

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA)**

Date : 31-10-2025

Heard Mr. Sanjeet Kumar, learned counsel for the appellants, Mr. Sanjay Kumar Ghosarvey, learned counsel for the State and Mr. Sanjay Pandey, learned counsel appearing on behalf of the Bihar Public Sub-ordinate Service Commission.

2. The present appeal is being preferred by the appellants against the judgment and order dated 25.03.2025 passed in CWJC No. 4769 of 2022 by which the learned Single Judge has been pleased to dismiss the writ application filed by the appellants on the ground that it is explicit that the overall rank of the appellants are much below than the rank of the last candidate selected for the post of Police Sub-Inspector and Assistant Superintendent Jail; and moreover, the candidates, who have also failed in the PET Examination for the post of Sergeant, such candidates even after having more marks than the cut off marks have not been selected on account of being



failed for the post of Sergeant and the appellants have failed to point out any illegality or irregularity or lapse in the selection process which warranted any interference by the writ Court.

3. Learned counsel for the appellants submits that pursuant to an Advertisement No. 1 of 2019 issued by the respondent-Bihar Police Sub-ordinate Service Commission (hereinafter referred as 'Commission') application were invited by eligible candidates. Last date of submission of application form was 25.09.2019 against 2446 vacant post for the recruitment of Bihar Police Sub-Inspector, Sergeant, Assistant Superintendent Jail (Direct Recruitment) and Assistant Superintendent Jail (Ex-servicemen). He further submits that the appellants fulfilling the requisite qualifications have applied for the same. The appellants were issued admit card for appearing in the Combined Preliminary Examination which was held on 22.12.2019 and were declared successful on 28.01.2020. Thereafter, the appellants appeared for Combined Mains Examination for recruitment to the post as mentioned aforesaid. The appellants among the 15,231 candidates were declared successful on 16.01.2020. Cut-off score for General Category (Male) was 75.8% and they were deemed eligible for the Physical Efficiency Test which was conducted from 22.03.2021



to 12.04.2021 but the name of the appellants were not in the final selection list.

4. Mr. Sanjay Pandey, learned counsel for the Commission submits that the Commission has received the requisition from the Home Police Department, Government of Bihar and pursuant to the aforesaid, the Commission had issued Advertisement No. 1 of 2019. As per the terms of the advertisement, the entire selection process was primarily divided in two written examinations i.e., Preliminary Examination and thereafter, Mains Examination. In the advertisement, it was specifically provided that in the Preliminary Examination the Commission was required to select candidates 20 times of the vacancy/post advertised and in the Mains Examination the Commission was required to select candidates 6 times of the vacancy/post advertised for participation in the Physical Evaluation Test (i.e., PET Examination). So far as, the PET Examination is concerned, the eligibility criteria for being successful in the PET examination for the post of Police Sub-Inspector, Sergeant and Assistant Superintendent Jail (Direct Recruitment) was one and so far as the post of Assistant Superintendent Jail (Ex-servicemen) is concerned, there was no requirement for the candidates to



undergo PET Examination, meaning thereby that the candidates for the post of Assistant Superintendent Jail (Ex-servicemen) were required to pass Preliminary as well as Mains Examination only. The Commission while declaring the Mains Examination's result and final selection result have also declared the cut off marks for all the categories and the candidates who have cleared the Mains Examination were required to participate in the Physical Evaluation Test for the post of S.I, A.S.J and Sergeant, as per their choice of post. The Commission after publication of the final result on 17.06.2021 published marks of all the candidates who had participated in the examination and the same was duly uploaded on the website of the Commission on 30.07.2021 in which it was provided that link for the perusal of the marks by the candidates will be active from 01.08.2021 to 15.08.2021 and direction was given to all the candidates that they can download the marksheet from the website of the Commission.

5. He further submits that the claim of the appellants that they should be appointed as they are having more marks than the cut off marks declared by the Commission is absolutely misconceived and flimsy. He further submits that the overall merit position of 5 of the appellants and their overall rank is



being given below by way of a chart which clearly demonstrates the overall rank of the appellants and the rank of the last candidate selected on the post of P.S.I, A.S.J and Sergeant.

Sl. No.	Name	Roll Nos. of PT	Roll Nos. of Mains	Cat.	Overall Rank	Rank of last candidate in S.I.	Rank of last candidate in A.S.J	Result of Sergeant	Remarks
1.	Ravish Kumar	4028040413	6516050119	EWS	2720	1143	1152	Fail	Not Selected
2.	Ritesh Kumar	5856020120	6510080467	BC	2687	952	973	Fail	Not Selected
3.	Arbind Kumar	4016150390	6510020188	EWS	1742	1143	1152	Fail	Not Selected
4.	Sanjay Kumar	4029050686	6517090162	EBC	2550	1572	1602	Fail	Not Selected
5.	Santosh Kumar	4024080246	6515010527	SC	4587	3552	3609	Fail	Not Selected

6. As far as, over all merit position of the private respondents is concerned, the following chart clearly demonstrates the overall rank of the private respondents.

Sl. No.	Name	Roll Nos. of PT	Roll Nos. of Mains	Cat.	Overall Rank	Remarks
1.	Manish Kumr Thakur	4025050450	6515010102	EBC	602	ASJ
2.	Nitish Kumar	5871070517	6517100213	EBC	3067	Sergeant
3.	Sanjeet Kumar	4011140232	6510080418	EBC	1165	PSI
4.	Bambam Kumar	4045101395	6521050493	EBC	70	PSI
5.	Aman Kumar Sudhanshu	5885080274	6521040342	EBC	408	PSI
6.	Raju Kumar	4045110211	6521030035	EWS	516	PSI
7.	Khusboo Kumari	4045080910	6521040775	EBC	2075	PSI
8.	Rohit Kumar	4045040708	6521040810	BC	150	PSI
9.	Kundan Kumar	4045061199	6521041500	BC	63	PSI
10.	Sweety Kumari	4045010194	6521010138	EWS	890	PSI
11.	Krishna Kanhaiya	4045080801	6521010468	EWS	837	PSI
12.	Deepa Kumari	4045020288	6521010279	EWS	226	PSI
13.	Mala Kumari	4045040406	6521010259	GEN	197	PSI
14.	Kaju Kumari	5885100913	6521030451	EWS	1125	PSI

7. It is evident from the abovementioned chart that the appellants are far below in overall rank than the private



respondents.

8. Apart from the aforesaid, the learned counsel for the Commission submits that the candidates who have participated in the selection process cannot be permitted to turn around and challenge the procedure of selection on the ground of unfairness without any relevant materials in respect thereof, and the candidate participated in the examination without objection and subsequently when he is found to be unsuccessful he challenged the process in precluded.

9. The learned counsel for the Commission has relied upon the judgment in the case of **Chandra Prakash Tiwari & Ors. Vs. Shakuntala Shukla & Ors.** reported in (2002) 6 SCC 127 where the Hon'ble Apex Court has observed that the question of entertaining a petition challenging the said examination would not arise when the candidate had participated after accepting all the terms and conditions but subsequently contended that process of examination was unfair that there was no lacuna therein merely because the result is not palatable.

10. Following are the considerations made by the learned Single Judge while passing the order which are quoted herein below:-

“28. Hence, in the opinion of



this Court, the challenge to the procedure adopted in conducting Preliminary and Mains Examination cannot be sustained only on account of the fact that finally the petitioners did not find place in the final merit list. It is only after the petitioners were unsuccessful in getting the place in the final merit list, they filed the writ petition. They did not raise a challenge either to Advertisement or Preliminary and Mains Examination, presumably because they were all successful in the examination.

29. The allegation of unfair on account of not uploading the answer key and information providing answer sheet does not appear to be palatable and justified in view of the specific averment made in the counter affidavit. The admission on the part of the Commission that the Commission is providing OMR sheets as well as question paper and other relevant necessary information under the Right to Information Act, 2005. All the more, this issue has been completely watered down by various decisions of the Apex Court. In the case of Aditya Bandopadhyay (supra), the Court ruled that it is always open to a candidate to clear his doubt by moving an application under Right to Information Act for supply of the answer book in order to raise any such grievance.

30. This Court also does not find that after issuance of advertisement at any stage, the rule of game is tinkered with by reducing the cut off marks from 75.8% to 75%. It is well explained by the Commission that in the process, total 15,231 candidates along with 357 Ex-servicemen candidates were selected for PET, out of which only 6670 candidates finally qualified in the PET in all respect, including the document verification, which has been clearly mentioned in the final result itself and on account of the said facts, the cut off marks of the final list was round off, as more



meritorious candidates having secured more marks were disqualified in the PET, which resulted in the change of the cut off marks in the final merit list. Thus, in any event reducing the cut off marks from 75.8% to 75% cannot be said to be arbitrary and illegal; apart from the same was in larger interest of the candidates and no prejudice is caused to the petitioners.

31. In the opinion of this Court, with due respect, the ruling of the Constitution bench in the case of Tej Prakash Pathak (Supra) and other documents cited by the learned Advocate for the petitioners on this line do not get attracted in the facts of this case. This Court finds substance in the stand of the Commission, while furnishing a chart showing comparative marks between the petitioners and the private respondents. The petitioners have failed to produce any material to made out a case that they have secured more marks than the private respondents, who have arrayed in the representative capacity.

32. From the chart brought on record through the counter affidavit, it is explicit that over all rank of the petitioners are much below than the rank of last candidate selected for the post of Police Sub-Inspector and Assistant Superintendent Jail; and moreover, the candidates, who have also failed in the PET for the post of Sergeant, such candidates even after having more marks than the cut off marks have not been selected on account of being failed for the post of Sergeant.

33. On the basis of the pleadings and the materials on record, this Court is of the opinion that the petitioners have failed to point out any illegality or irregularity or lapse in the selection process, which warrant any interference in the matter.”



11. We have gone through the records of the case and the material on the record, this Court is of the view that the writ Court has dealt with each and every aspect and has rightly held that the appellants have failed to point out any illegality or irregularity or lapse in the selection process.

12. The overall rank of the appellants are much below than the rank of the last candidate selected for the post in question.

13. In view of the aforesaid, this Court finds no merit in the present Letters Patent Appeal and the same stands dismissed.

14. All pending application(s), if any, shall also stands disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.11.2025
Transmission Date	NA

