

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11165 of 2023

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Hare Ram Singh Son of Late Punya Dev Singh Resident of Village- Karinga,
Police Station- Chapra Muffasil, District- Saran.

... .. Petitioner/s

Versus

1. The Bihar Public Service Commission through its Chairman, 15, Jawaharlal Nehru Marg (Bailey Road), Patna.
2. The Chairman, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg (Bailey Road), Patna.
3. The Secretary, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg (Bailey Road), Patna.
4. The Examination Controller, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg (Bailey Road), Patna.
5. Anand Kumar Jha, Roll No. 660133, Merit Serial No. 201 Last Candidate selected under Economically Weaker Section (EWS) (07) as Assistant Professor, Science and Technology Department, Bihar by the Bihar Public Service Commission, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyan Prakash
For the Respondent/s : Mr. Kameshwar Kumar

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

9 25-09-2025 Heard Mr. Gyan Prakash, learned counsel for the

petitioner and Mr. Kameshwar Kumar, learned counsel for the

B.P.S.C.

2. The petitioner has filed this writ petition
challenging the selection and appointment of Respondent no.5
as Assistant Professor of Mathematics in Science and
Technology Department, Bihar under E.W.S. Category in
pursuance of Advertisement No. 66 of 2020 with a prayer to
declare the petitioner successful for selection and appointment



as Assistant Professor, Mathematics in Science and Technology Department, Bihar under E.W.S. category in terms of Advertisement No. 66/2020.

3. The petitioner contends that the respondent no.5 has been selected in place of the petitioner due to non-awarding of the marks on question nos. 33, 39 and 76 of booklet series-D of the mathematics question paper. The petitioner further contends that the answer given by the petitioner to the aforesaid questions were correct, but the selection authorities have not given the marks for those three questions despite the petitioner providing the correct answers to those questions and thereby resulting in non-selection of the petitioner for the post of Assistant Professor, Mathematics.

4. Learned counsel for the petitioner, however, submits that before evaluation was made, provisional answer key of the Mathematics was published vide Annexure-5(series) inviting objection to the answer set by the question setter in the form of OMR answer sheet. Upon consideration of the objection received, final answer key was published vide Annexure-5 (series), on the basis of which, the evaluation of the answers given by the candidates have been made.

5. Learned counsel for the petitioner has fairly



submitted that the answer given by the petitioner to the question nos. 33, 39 and 76 of booklet series-D, however, did not match with the final answer key published by the B.P.S.C.

6. The final answer key published by the B.P.S.C. vide Annexure-5(series) has not been put to challenge by the petitioner.

7. Under the aforesaid circumstances, since the answer given by the petitioner to the questions mentioned above did not match with the final answer key published by the B.P.S.C. no marks could have been given to the petitioner for the answers given by the petitioner to question nos. 33, 37 and 76. If that is the position, the petitioner's score in the examination would remain lower than that of respondent no.5.

8. Accordingly, no interference is called for on the selection of respondent no.5 made by the B.P.S.C.

9. The writ petition accordingly fails and is dismissed being devoid of merit.

(Nani Tagia, J)

Amrendra/-

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