

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4009 of 2020

Dr. Sunil Kumar Kamal S/o Ram Dayal Prasad Resident of Village- Simra,
P.O. Parsa Bazaar, P.S.- Parsa Bazaar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, General Administration Department, Bihar, Patna.
2. The Principal Secretary Education (Higher) Department, Bihar, Patna.
3. The Officer of the State Disability Commission Sichai Bhawan, Parishad, Patna.
4. The Bihar Public Service Commission Through its Secretary, Bailey Road, Patna.
5. The Bihar Public Service Commission Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Ghosarvey, Advocate
For the State	:	Mr. Manoj Kumar, AC to GP-4
For the B.P.S.C.	:	Mr. Sanjay Pandey, Advocate
		Mr. Nishant Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 30-01-2025 Heard Mr. Sanjay Kumar Ghosarvey, learned counsel appearing on behalf of the petitioner; Mr. Manoj Kumar, learned AC to GP-4 appearing on behalf of the State and Mr. Sanjay Pandey, learned counsel along with Mr. Nishant Kumar Jha, learned counsel for the Bihar Public Service Commission.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* following relief(s), which is reproduced hereinafter:

"i. For issuance of order for an inquiry into



the matter of selection process of PH candidates and the fulfillment of eligibility criteria by the selected PH candidates for the posts of Assistant Professor against advertisement no. 53/2014 issued by Bihar Public Service Commission.

ii. For issuance of the writ/s in the nature of mandamus for a direction to the respondent Bihar Public Service Commission to nullify the results by which PH category benefit has only been provided to General Category and backward classes.

iii. For issuance of writ in the nature of Mandamus for a direction to the respondent authorities to consider the case of the Petitioner for appointment as Assistant Professor (History) against the PH category for Scheduled Castes.

iv. For issuance of writ in the nature of Mandamus for a direction to the Respondent authorities to follow the guidelines issued by the Supreme Court in the case of Justice Sunanda Bhandare Foundation v. UOI & Anr (2014) 14 SCC 383 and the provisions of Persons with Disabilities Act 1995 while dealing with reservation of Physically Handicapped persons.

v. For issuance of appropriate writ/s in the nature of mandamus for a direction to the Respondent Bihar Public Service Commission to look into the matter of incorrect and misleading information being provided by the Commission.

vi. And for any other relief/s for which the Petitioner is legally entitled too."

3. In light of the clear statement made in paragraph no. 9 of the counter affidavit filed on behalf of the respondent no. 2, in which it has been stated that the cut-of marks for the Scheduled Caste is 57.75 and under OH (Handicapped) category for Scheduled Caste is 59.40, while the petitioner got total 34.50 marks, which is less than marks assigned to the candidates in the category of Scheduled Caste and OH (Handicapped) category for Scheduled Caste. The petitioner is the last candidate in the



merit list.

4. The petitioner has controverted the information contained in paragraph no. 9 of the counter affidavit filed on behalf of the respondent no. 2 and informed that as per own calculation of the petitioner, the total marks obtained by the petitioner is 42.8.

5. I don't find it proper to go into the aforesaid controversy. The petitioner is at liberty to file representation for such clarification from the appropriate authority.

6. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

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