

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.4 of 2024

In

Civil Writ Jurisdiction Case No.6687 of 2019

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Ram Krishna Yadav, Son of Late Ram Pravesh Singh, Resident of Village-
Dolaicha, P.O.- Kowath, P.S.- Dawath, Distt.- Rohtas (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Bihar, Patna.
3. The Principal Secretary, Human Resources and Development, Bihar, Patna.
4. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
5. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.
6. The Joint Secretary cum Examination Controller, Bihar Public Service Commission, Bailey Road, Patna.
7. The Registrar (Administration), Patna University, Patna.
8. The Registrar (Administration), Magadh University, Bodh-Gaya.
9. The Registrar (Administration), Bhim Rao Ambedkar, Bihar University, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Parma Nand Singh, Advocate
For the State : Mr. AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

and

HONOURABLE MR. JUSTICE RANA VIKRAM SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI)

Date : 21-07-2026



The instant Letters Patent Appeal challenges the order dated 02.12.2023 passed in C.W.J.C. No. 6687 of 2019 by the learned Single Judge of this Court, whereby and whereunder the writ petition preferred by the petitioner was dismissed.

2. On perusal of the impugned order dated 02.12.2023, it is ascertained that the learned counsel for the petitioner had made following submission before the learned writ-Court.

“Learned counsel for the petitioner submits reservation policy has not been followed at the time of making appointment, inasmuch as 06 candidates, who had secured higher marks, were not adjusted against the general category seats, however they have been placed under their respective reserved category.”

3. The learned Single Judge dismissed the writ petition because of the fact that the petitioner could not qualify in the selection process.

4. However, the argument made on behalf of the writ petitioner and the pleadings made by him before the writ-Court is at complete variance, inasmuch as in paragraph-12 of the writ petition, it is stated by the petitioner that he was allotted 59.65 points for his educational qualification (from Matriculation to M.A.); 05 points for Ph.D. with NET and 06



points for his personal interview. Thus, he got 70.65 marks in total on the basis of his educational qualification, Ph.D. and NET qualifications.

5. It is contended by the petitioner that he was wrongly allotted by the BPSC with 05 points for Ph.D. degree with NET qualification and claimed that he would have entitled to get 10 points for Ph.D. degree with NET. It is also contended by the petitioner that the Interview Board has wrongly allotted him 06 marks, but the Board ought to have granted him 10 marks out of total 15 marks. If that be so, he would have been secured more than 80% marks and might have been considered as a qualified candidate.

6. In course of argument, the above pleadings were not placed before the learned Single Judge. On the contrary, it was argued that if the selected candidates were placed in general category on the basis of their higher marks instead of reserved category as per the rules, there would have been a vacancy in the reserved category and the petitioner would have been accommodated.

7. Since no such case was made out by the petitioner in the writ petition, we find no reason to take a different view from what has been taken by the learned Single



Judge.

8. For the reasons stated above, the instant appeal is dismissed.

9. There shall, however, no order as to cost.

(Bibek Chaudhuri, J)

(Rana Vikram Singh, J)

Rakesh/Praveen-II

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