

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5947 of 2025

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Harsha Shekhar D/o Shashi Shekhar Singh Resident of Sector J/172 Peoples
Co-Operative Colony, Kankarbagh, P.S. Kankarbagh, District-Patna, Bihar-
800020.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, General Administration Department, Government of Bihar, Patna.
2. Additional Chief Secretary, General Administration Department, Government of Bihar, Patna.
3. The Chairman, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg (Bailey Road), Patna-800001, Bihar.
4. The Controlller of Examination, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg (Bailey Road), Patna-800001, Bihar.
5. The Secretary, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg (Bailey Road), Patna-800001, Bihar.
6. The Deputy Secretary, Bihar Public service Commission, 15, Jawahar Lal Nehru Marg (Bailey Road), Patna-800001, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Advocate Ms. Lakshmi Kumar, Advocate Mr. Kanishk Kaustubh, Advocate Mr. Rajnish Prakash, Advocate
For the Respondent-State :		Mr. Government Pleader (26)
For the Respondent-BPSC:		Mr. Lalit Kishore, Sr. Advocate Mr. Kanishk Shankar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-01-2026

This writ petition has been filed by the petitioner,
Harsha Shekhar with the following prayer:-

“(i) For issuance of a direction to the respondent



authorities to re-check & re-evaluate the question-answer of Q. Nos.-3(C), 5(A), 5(C), and 14 (D) of General Knowledge Paper of the petitioner relating to Main Examination of the 32nd Bihar Judicial Service Examination against Advertisement No.-23/2023.

(ii) For that the petitioner further prays that after re-check & re-evaluation of the aforementioned Question-Answers of the General Knowledge, the petitioner may be awarded 3-4 additional marks and she may be declared selected as the petitioner secured total 501 marks and the Cut-off marks for B.C. Female category is 502 marks only.”

2. It is the case of the petitioner that an advertisement bearing Advertisement No.-23/2023 was published by the Bihar Public Service Commission (hereinafter referred to as “the B.P.S.C.”) on 20.02.2023 for 32nd Bihar Judicial Service Examination (Lower Division) for filling up 155 posts from the eligible candidates applying the reservation policy applicable in the State of Bihar. There was provision for 35% horizontal reservation for female in all category. As per the advertisement, a candidate must be a law graduate from the University/Institutions recognized by Bar Council of India, New Delhi and he/she should be more than 22 years of age as on 01.08.2022 and should be less than 35 years of age as on 01.08.2019. The retirement age of the judicial officer has been



fixed as 60 years. The selection process as per the advertisement was Preliminary Examination, then Main Examination and the Interview. The Preliminary Examination as per the advertisement was to be objective type consisting of two papers with total marks of 250, while the Mains Examination comprised of 5 compulsory papers and 3 optional papers, carrying a total of 1050 marks. The interview of the successful candidates in the Mains Examination was to be for 100 marks. The petitioner being eligible for the aforementioned post registered her application online and then filed online application form and accordingly Registration No. 32007977 and Application No.-004899 was generated. The petitioner belongs to B.C. (female) category, hence while submitting application form she also enclosed her Non-Creamy Layer B.C. category caste certificate. The admit card for the preliminary examination was issued and the petitioner was allotted Roll No.-107208, whereafter she appeared in the examination held on 04.06.2023 and she was declared to be qualified in the result of the preliminary examination published on 26.09.2023 on the official website of B.P.S.C. The petitioner thereafter, filled up the online application form for the Mains Examination and a fresh admit card for the Mains Examination was issued and she



appeared in the Mains Examination held in between 25.11.2023 to 29.11.2023. The petitioner was declared successful in the result of the Mains Examination, published on the website of the B.P.S.C. on 30.08.2024. The B.P.S.C. has then issued an interview letter to the petitioner which was scheduled for 14.11.2024. The petitioner appeared before the interview board and she is stated to have replied to the satisfaction of the members of the interview Board. The final result of the 32nd Bihar Judicial Service Examination (Lower Division) was declared on 28.11.2024 on the official website of B.P.S.C., but the name of the petitioner was not included in the final selection list.

3. The learned senior counsel appearing for the respondent nos. 3 to 6 has raised a preliminary objection to the effect that the result of examination has already been published in the year 2024 and the appointments have been made in the year 2025 as also the successful candidates have already joined their respective posting. It is also submitted that there is no provision for re-evaluation of answer books as far as the B.P.S.C. is concerned.

4. It is a well settled proposition of law that re-evaluation is not permissible and in the case of B.P.S.C. itself,



the Hon'ble Apex Court has held so in its judgment rendered in the case of ***Pramod Kumar Srivastava vs. Chairman, Bihar Public Service Commission & Ors.***, reported in (2004) 6 SCC 714, paragraph nos. 7 to 9 whereof are reproduced hereinbelow:

*“7. We have heard the appellant (writ-petitioner) in person and learned counsel for the respondents at considerable length. The main question which arises for consideration is whether the learned Single Judge was justified in directing re-evaluation of the answer-book of the appellant in General Science paper. Under the relevant rules of the Commission, there is no provision wherein a candidate may be entitled to ask for re-evaluation of his answer-book. There is a provision for scrutiny only wherein the answer- books are seen for the purpose of checking whether all the answers given by a candidate have been examined and whether there has been any mistake in the totaling of marks of each question and noting them correctly on the first cover page of the answer-book. There is no dispute that after scrutiny no mistake was found in the marks awarded to the appellant in the General Science paper. In the absence of any provision for re-evaluation of answer books in the relevant rules, no candidate in an examination has got any right whatsoever to claim or ask for re-evaluation of his marks. This question was examined in considerable detail in ***Maharashtra State Board of Secondary and Higher Secondary Education and another v. Paritosh Bhupesh Kurmarsheth and****



others, AIR 1984 SC 1543. In this case, the relevant rules provided for verification (scrutiny of marks) on an application made to that effect by a candidate. Some of the students filed writ petitions praying that they may be allowed to inspect the answer-books and the Board be directed to conduct re-evaluation of such of the answer-books as the petitioners may demand after inspection. The High Court held that the rule providing for verification of marks gave an implied power to the examinees to demand a disclosure and inspection and also to seek re-evaluation of the answer-books. The judgment of the High Court was set aside and it was held that in absence of a specific provision conferring a right upon an examinee to have his answer-books re-evaluated, no such direction can be issued. There is no dispute that under the relevant rule of the Commission there is no provision entitling a candidate to have his answer-books re-evaluated. In such a situation, the prayer made by the appellant in the writ petition was wholly untenable and the learned Single Judge had clearly erred in having the answer-book of the appellant re-evaluated.

8. Adopting such a course as was done by the learned Single Judge will give rise to practical problems. Many candidates may like to take a chance and pray for re-evaluation of their answer-books. Naturally, the Court will pass orders on different dates as and when writ petitions are filed. The Commission will have to then send the copies of individual candidates to examiners for



re-evaluation which is bound to take time. The examination conducted by the Commission being a competitive examination, the declaration of final result will thus be unduly delayed and the vacancies will remain unfilled for a long time. What will happen if a candidate secures lesser marks in re-evaluation? He may come forward with a plea that the marks as originally awarded to him may be taken into consideration. The absence of clear rules on the subject may throw many problems and in the larger interest, they must be avoided.

9. Even otherwise, the manner in which the learned Single Judge had the answer-book of the appellant in General Science paper re-evaluated cannot be justified. The answer-book was not sent directly by the Court either to the Registrar of the Patna University or to the Principal of the Science College. A photocopy of the answer-book was handed-over to the standing counsel for the Patna University who returned the same to the Court after some time and a statement was made to the effect that the same had been examined by two teachers of Patna Science College. The names of the teachers were not even disclosed to the Court. The examination in question is a competitive examination where the comparative merit of a candidate has to be judged. It is, therefore, absolutely necessary that a uniform standard is applied in examining the answer-books of all the candidates. It is the specific case of the Commission that in order to achieve such an objective, a centralized



system of evaluation of answer-books is adopted wherein different examiners examine the answer-books on the basis of model answers prepared by the Head Examiner with the assistance of other examiners. It was pleaded in the Letters Patent Appeal preferred by the Commission and which fact has not been disputed that the model answer was not supplied to the two teachers of the Patna Science College. There can be a variation of standard in awarding marks by different examiners. The manner in which the answer-books were got evaluated, the marks awarded therein cannot be treated as sacrosanct & consequently the direction issued by the ld. Single Judge to the Commission to treat the marks of the appellant in General Science paper as 63 cannot be justified.”

5. In this regard, we would like to refer to a judgment rendered by the learned Division Bench of this Court in somewhat similar matter, i.e. in the case of ***Shambhu Nath Mishra vs. The Union of Indian, through the Chairman, Railway Board & Ors.***, reported in ***2026 (1) PLJR 172***, wherein decisions of the Hon’ble Supreme Court of India have been taken note of, which are as follows:-

“(i) Judgment rendered by the Hon’ble Apex Court in the case of ***Pramod Kumar Srivastava vs. Chairman, Bihar Public Service Commission & Ors.***, reported in ***(2004) 6 SCC 714***;

(ii) Judgment rendered by the Hon’ble Apex Court in the case of ***Himachal Pradesh Public Service Commission vs.***



Mukesh Thakur & Anr. reported in (2010) 6 SCC 759;
(iii) Judgment rendered by the Hon’ble Apex Court in the case of Ran Vijay Singh & Ors. vs. State of Uttar Pradesh & Ors., reported in (2018) 2 SCC 357;
(iv) Judgment rendered by the Hon’ble Apex Court in the case of Vikesh Kumar Gupta & Anr. vs. State of Rajasthan & Ors., reported in (2021) 2 SCC 309;
(v) Judgment rendered by the Hon’ble Apex Court in the case of Dr. NTR University of Health Sciences vs. Dr. Yerra Trinadh & Ors., reported in (2022) 18 SCC 716;
(vi) Judgment rendered by the learned Division Bench of this Court in the case of Ravindra Kumar Singh vs. The High Court of Judicature at Patna & Ors., reported in 2016 (1) PLJR 865.

6. In view of the settled position of law and the limited scope of this Court as enunciated in the aforesaid judgments, we do not find any merit in the writ petition. Accordingly, the same stands dismissed.

(Sangam Kumar Sahoo, CJ)

(Mohit Kumar Shah, J)

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CAV DATE	
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