

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.965 of 2025

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Sanjay Kumar S/o- Satydev Mistry R/o- Vill.- Jagdishpur, P.O.- Naudiha, P.S.
- Khizersarai, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, General Administrative Department, Bihar, Patna.
2. Patna High Court through its Registrar General, Patna High Court, Patna.
3. The Registrar General, Patna High Court, Patna.
4. The Registrar, (Adm.)-cum-First Appellate Authority, Patna High Court, Patna.
5. The Joint Registrar, (Judicial)-cum-Public Information Officer, Patna High Court, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Singh, Advocate
For the Respondent/s	:	Mr. Piyush Lal, Advocate
For the State	:	Mr. Arun Kumar Prasad, A.C. to S.C. 05

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 23-06-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed with the
following reliefs :-

(i) To direct the respondents, to re-evaluate/recheck the answer book of petitioner of both subject of mains written examination paper for the post Assistant by any expert body and if after re-evaluation/recheck of the answer book of petitioner his marks crosses the cut-off marks of EBC Category which is 52.5, direct the respondents to conduct the computer proficiency test and interview of the petitioner for selection/appointment on the post of Assistant in



the establishment of Patna High Court.

(ii) To direct the respondents not to filled-up the entire vacancy of EBC category or to keep one seat of EBC category reserved for the petitioner till pendency of the present writ application. And for any other relief(s) as per the facts and circumstances of this case.

3. Learned counsel for the petitioner submits that the petitioner has appeared in the selection process Vide Advertisement No. PHC/01/2023 dated 03.02.2023 for the post of Assistant in the establishment of Patna High Court.

4. Counsel further submits that after examination for the said post, the petitioner could not become successful thereafter, he obtained copies of mains examination, then he realized that in spite of given correct answer to the questions, half marks has been given instead of full marks.

5. Counsel further submits that the copy of advertisement has already been annexed vide Annexure-P/1 of the writ petition, whose Clause 11(iii) states that “there shall be no provision for re-evaluation/re-checking/scrutiny of the answer sheets by this Court and no correspondence shall be made in this regard.

6. In order to substantiate his case, counsel relied on in the case of ***Jitendra Kumar vs The Bihar Public Service Commission & Ors.***, passed in CWJC No. 14720 of 2024 on



24/09/2024 in which the issue has already been tested and held that since there is neither any provision of re-evaluation of answer sheet nor any provision of re-checking of answer sheet in the Advertisement for appointment. As such, there is no case of petitioner and no relief could be granted.

7. Upon hearing the parties and perusal of the documents, it transpires to this Court that the petitioner has appeared in the examination through Advertisement No. PHC 01 of 2023 whose Clause 11 (iii) of the Advertisement states as follows :-

11 (iii). There shall be no provision for re-evaluation/re-checking/scrutiny of the answer sheet/score. No correspondence in this regard shall be entertained.

and further the ratio laid down in the case of **Jitendra**

Kumar (Supra) whose Para 5 States as follows :-

*5. The ratio laid down in the case of **Ranvijay Singh & Ors. Vs. State of Uttar Pradesh & Anrs.**(Supra) is as follows: “*

30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are:

30.1 If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;



30.2. If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the court may permit reevaluation or scrutiny only if it is demonstrated very clearly, without any “inferential process of reasoning or by a process of rationalisation” and only in rare or exceptional cases that a material error has been committed;

30.3. The court should not at all re-evaluate or scrutinise the answer sheets of a candidate—it has no expertise in the matter and academic matters are best left to academics;

30.4. The court should presume the correctness of the key answers and proceed on that assumption; and

30.5. In the event of a doubt, the benefit should go to the examination authority rather than to the candidate

31. On our part we may add that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible. This Court has shown one way out of an impasse — exclude the suspect



or offending question.”

5. In the light of the observation made by the Hon'ble Apex Court and upon perusal of the document, this Court is of the firm opinion that since there is neither any provision of reevaluation of the answer sheet in law nor there is any provision of re-evaluation of answer sheet is there in the rule framed by the B.P.S.C. for appointment, there is no case of the petitioner and no relief could be granted to him.

8. In the light of the said observations, this Court is of the firm view that there is no case of the petitioner as the relief demanded by the petitioner is against the said Advertisement and, hence, the present writ petition is hereby dismissed.

(Dr. Anshuman, J)

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