

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7429 of 2021

Meha Verma, Daughter of Rajani Kant Verma, Resident of Hanuman Nagar,
Police Station- Patrakar Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of General Administration, Government of Bihar, Patna.
2. The Bihar Public Service Commission through its Chairman 15, Jawahar Lal Nehru Marg, Bailey Road, Patna.
3. The Chairman, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg, bailey Road, Patna.
4. The Secretary, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg, bailey Road, Patna.
5. The Examination Controller, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg, bailey Road, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 7595 of 2021

1. Vaibhav Gupta S/o Sri Pradeep Kumar Gupta R/o Milikiyana West, Post-salon, District- Raebareli, Uttar Pradesh - 229127
2. Apoorva Jyoti S/o Amar Jyoti Srivastava, R/o 363, New Colony, Behind Home Guard Office, Arazibagh, Azamgarh, Uttar Pradesh-276001
3. Dheeresh Kumar S/o Brijesh Sharan Agnihotri R/o Pratap Nagar, Kamalganj, Farrukhabad, Uttar Pradesh- 209724
4. Ambrish Kumar S/o Ompal Singh R/o Neemka Shahjahanpur, Gautam Buddha Nagar, Uttar Pradesh- 203155
5. Pankaj Kumar Chauhan S/o Ramagya Chauhan, R/o Village- Shatrudhanpur, Post- Futahawa Inar, District- Gorakhpur, Uttar Pradesh- 273202
6. Pawan Kumar Saini S/o Sri Cheetan Lal saini R/o Village and Post- Dhuswa Khas, Mankapur, District- Gonda, Uttar Pradesh- 271302
7. Meenakshi Pandey W/o PD Dwivedi R/o Behind Sardar Bawa singh House, Mohaddiput North, District- Gorakhpur, Uttar Pradesh- 273008
8. Rohit Kumar Srivastava S/o Nagendra Prasad Srivastava, C/o Santosh Kumar Sinha, R/o Barka Gam, Maan singh Patti, Buxar, Auodoyogik, Bihar, - 802101

... .. Petitioner/s

Versus

1. Bihar Public Service Commission Bihar
2. The Chairman, Bihar Public Service Commission, Patna



3. The Secretary, Bihar Public Service Commission, Patna
4. The Joint Secretary cum Examination Controller, Bihar Public Service Commission, Patna

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 7429 of 2021)

For the Petitioner/s : Mr.Manoj Kumar, Advocate
Ms. Aishwarya Shree, Advocate
For the State : Mr. Saroj Kr. Sharma, AC to AAG-3
For the Commission : Mr. Sanjay Pandey, Advocate
Mr. Nishant Kumar Jha, Advocate

(In Civil Writ Jurisdiction Case No. 7595 of 2021)

For the Petitioner/s : Mr.Ranjan Kumar Srivastava, Advocate
For the Respondent/s : Mr. Sanjay Pandey, Advocate
Mr. Nishant Kumar Jha, Advocate

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)**

Date : 18-03-2021

As in both these writ applications, a similar issue has been raised, as such, same are being taken up together and are being disposed of by a common order.

Heard the parties.

For convenience facts of the case of Meha Verma (CWJC No.7429 of 2021) is being taken into consideration.

In CWJC No.7429 of 2021, the petitioner is raising her grievance with respect to one question i.e. Question No. 126 wherein four options have been given and the petitioner has marked 'C' whereas as per the Bihar Public Service Commission 'D' is the correct answer.



Similarly in CWJC No.7595 of 2021, the petitioners are raising their grievance with respect to Question Nos. 46 and 128 of the 'B' series booklet.

Counsel for the petitioner of CWJC No.7429 of 2021 submits that the Commission has wrongly given 'D' is the correct answer, whereas, in fact, 'C' is the correct answer and he has placed reliance upon the judgment of High Court.

Counsel for the petitioners of CWJC No.7595 of 2021 submits that the Commission has wrongly given 'D' is the correct answer whereas in fact 'C' is the correct answer.

After examination was conducted, the Commission has issued a notice dated 19.12.2020 in its website, asking the candidates that the model answer (provisional) would be available on the website if any candidate has to raise objection with regard to any item of model answer, they are at liberty to do the same, but it must reach on or before 31.12.2020 at 5.00 P:M in close envelope mentioning the advertisement number and that will be looked into by the Expert and after discussing the objection so raised by the different candidates, final answer list will be prepared.

It is admitted fact that the petitioners have not raised any objection with regard to the model answer given in the notice and



after the final result, these writ applications have been filed taking a plea that in the advertisement, there is no such procedure has been prescribed that after the examination will be conducted the model answer will be published in the website asking the candidates to raise objection, so the Commission cannot change the procedure in the midway, whereas the Commission says that it is a standard procedure, which is adopted by every examining body in order to make the candidate to sure the answer, which has been given as correct or incorrect answer, so opportunity has been given to each and every candidate to suggest the answer, which is, according to the candidate, is wrong, same will be looked into by the Expert body and if it is found that the suggestion given by the candidate is correct then the answer has to be modified accordingly.

Admittedly the petitioners have failed to raise objection as per the notice published in website of the Commission and now, after the final result of preliminary test, they are raising objection about the correctness of answer which they cannot be allowed to take round and challenge the answer.

The second point has been raised by the petitioners that the candidate is not expected to visit every day the website of the Commission, but the question would arise that when a standard



procedure has been prescribed, it is known to all candidates that the model answer (provisional) will be published on the website which the candidates are required to visit. If they failed to visit, they cannot blame the Commission.

The third point has been raised by the petitioners that there is no statutory provision prescribing the procedure for the model answer and raise objection. If the candidate has not raised any objection, does not mean that he will be debarred. He has placed reliance on the judgment dated 25.11.2014 of this Court passed in CWJC No. 13999 of 2014, but later on this issue has been gone into by the Division Bench in the case of ***Ravindra Kumar Singh Vs. State of Bihar reported in 2016(1) PLJR 865*** in which this Court has occasion to look into the procedure to be adopted by the Commission and specifically it has been directed that when the examination is conducted, the model answer has to be published in the website asking the candidate to raise objection if any within the stipulated time, if the objection is raised, the Expert will look into it and if it is found that objection raised is correct, in such circumstances, it has to be modified accordingly and this standard procedure has been adopted by each and every examining body. The aforesaid view has been taken on the basis of judgment of Hon'ble Supreme Court, as such, judgment of learned



Single Judge cannot hold the field and this plea has no substance and the same is rejected.

In such view of the matter, this Court does not find any merit in these writ applications and, accordingly, the same are dismissed.

(Shivaji Pandey, J)

(Partha Sarthy, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	19.03.2021
Transmission Date	N.A.

