

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 369 of 2025

1. Pappu Kumar Son of Manoj Kumar, resident of village, P.O. and P.S.- Bhadouns, District- Sheikhpura, Bihar- 811107.
2. Sandeep Kumar Singh, son of Madan Singh, resident of village- Rampurwa, P.O. and P.S.-Mehsi, District- East Champaran, Bihar - 845426.
3. Ravish Kumar Raj, son of Vijay Narayan Sinha, resident of village- Raghunibigha, P.O. -Kormathu, P.S.- Belaganj, District- Gaya, Bihar - 804424.
4. Himanshu Raj, son of Satish Kumar Singh, resident of village- Bastipur, P.O.- Manikpur, P.S.- Indrapuri, District- Rohtas, Bihar - 821305.
5. Subhash Kumar Thakur @ Subhash Thakur, son of Ravindra Thakur, resident of village- Basra, P.O. and P.S- Jaintpur, District- Muzaffarpur, Bihar - 843123.
6. Khushi Kumari, Daughter of Ram Pravesh Chaudhary, resident of village- Dharmchak, P.O. and P.S.- Mansi, District- Khagaria, Bihar- 851214.
7. Gautam Kumar, son of Umashankar Prasad, resident of village- Balwapar, P.O.- Sirsi Dihra, P.S.- Harnaut, District- Nalanda, Bihar-803110.
8. Rajan Kumar Tiwari, son of Divakar Kumar Tiwari, resident of village- Basaura, P.O.- Amba, P.S.- Kutumba, District- Aurangabad, Bihar - 824111.
9. Deepak Kumar, son of Ramdaras Sahani, resident of village- Tilbihata, P.O.- Berua, P.S.-Saraiya, District- Muzaffarpur, Bihar - 843122.
10. Chandan Kumar, son of Dharmendra Kumar Nira, resident of At and P.O. and P.S.- Nirmali, District- Supaul, Bihar- 847452.
11. Deepshikha, Shailendra Pd. Singh, resident of village and P.O.- Chandrahatti, P.S.- Kudhni, District- Muzaffarpur, Bihar.
12. Satyam Raj, son of Manish Raj resident of Ward No.- 11, Nalanda Nagar Panchayat, P.S. and District- Nalanda, Bihar- 803111.
13. Vivek Kumar, son of Dadan Prasad, resident of Quarter No.- 68/400, 2, Near Rajkiye Navin Middle School, Rajbanshi Nagar, Phulwari, P.S.- Phulwari, District- Patna, Bihar- 800023.
14. Akash Anand, son of Vivekanand Kumar, resident of village- Ramghat, P.O.- Khaira Koshpur, P.S.- Narpatganj, District- Araria, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. The Principal Secretary, General Administration Department, Government of Bihar.
3. The Bihar Public Service Commission, through its Secretary, 15 Jawaharlal Nehru Marg, Bailey Road, Patna.
4. The Secretary, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna.



5. The Examination Controller, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Y V Giri, Sr Advocate with
M/s Pranav Kr, Shrishti Singh, Advocates
For the State : Mr P K Shahi, Advocate General withdraw
M/s Vikas Kr, Amish Kr, Advocates
for the B P S C : Mr Lalit Kishore, Sr Advocate withdraw
M/s Sanjay Pandey, Kanishka, Advocates

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL ORDER

2 **16-01-2025** This petition has been preferred by the petitioners seeking the following reliefs:

“i. To issue an appropriate writ (s)/order (s)/direction (s) in the nature of mandamus for commanding the respondent Bihar Public Service Commission to cancel the preliminary test examination of 70th Combined (Preliminary) Competitive Examination conducted on 13.12.2024 and 04.01.2025.

ii. To issue an appropriate writ (s)/order (s)/ direction (s) in the nature of mandamus for commanding the respondent Bihar Public Service Commission not to publish the result of preliminary test conducted by the Commission on 13.12.2024 and 04.01.2024 for 70th Combined (Preliminary) Competitive Examination.

iii. To issue an appropriate writ (s)/order (s)/ direction (s) in the nature of mandamus for commanding the respondent Bihar Public Service Commission to conduct a fresh preliminary test examination of 70th Combined (Preliminary) Competitive Examination.



iv. To any other relief (s) that the petitioners are entitled to in the facts and circumstances of the case.”

2 It is submitted by the learned senior counsel for the petitioners that the Bihar Public Service Commission (for brevity, *the Commission*) published an advertisement on 23.09.2024 for the conduct of 70th Combined (Preliminary) Competitive Examination. The petitioners herein are the candidates who appeared in the preliminary examination conducted by the Commission on 13.12.2024. He further submits that examination was conducted in approximately 912 centers across the State of Bihar. At Bapu Pariksha Parisar, Patna, approximately 12,000 candidates were present. According to the senior counsel, it was found that the question paper had been leaked, several candidates were not given the question papers and the questions papers were also circulated on social media X on 13.12.2024 at about 1.6 pm. Thus, prima facie, it is clear that the question papers were leaked. Referring to paragraph 8 of the petition, learned counsel further submits that the irregularities are not only confined to the Bapu Pariksha Parisar but also incurred at about 28 different examination centers which was reported by the candidates who appeared on those examination centers. He further submits that just one day



prior to the examination, the Commission changed the center of candidates which also indicate that the Commission does not have the sufficient means to conduct such a mass level examination. He further submits that the Commission, on the ground that some irregularities were found in Bapu Pariksha Parisar, cancelled the examination of that center and reexamination was conducted on 04.01.2025 which is also not permissible. He further submits that it was also found that at some of the Centers, the jammer were also not functioning throughout the examination duration. It was found that procedure, as laid down in the SOP was also not followed by the Commission. Further, referring to the press note (Annexure P/12), learned senior counsel submits that according to the press note and the provisional answer key of the examination, which was conducted on 04.01.2025 at Bapu Pariksha Parisar, questions No 13, 79 and 91 of Set I have been deleted, therefore, the candidates, who appeared on 04.01.2025, will be benefited for some additional marks to the candidates who appeared on 13.12.2024 but this benefit will not be provided to the candidates who appeared on 13.12.2024 as according to the provisional answer key, none of the question of the examination dated 13.12.2024 has been deleted. Lastly, it is submitted by the



learned senior counsel that till the decision of this case, the respondent-Commission be directed not to publish the result of preliminary test conducted by it on 13.12.2024 and 04.01.2025.

3 In support of his submissions, learned senior counsel for the petitioners relied on the decisions in the cases of *U P Public Service Commission -Versus- Subhash Chandra Dixit & Others, (2003) 12 SCC 701, Joginder Pal & Others -Versus- State of Punjab & Others, (2014) 6 SCC 644, Nidhi Kaim & Another -Versus- State of Madhya Pradesh & Others, (2017) 4 SCC 1 and State of Punjab & Others -Versus- Manjit Singh & Others, (2003) 11 SCC 559.*

4 Learned senior counsel appearing for the Commission as well as learned Advocate General appearing for the State opposed the argument raised by the learned counsel for the petitioners. It is submitted by Mr P K Shahi, learned Advocate General that on this issue, one PIL has also been filed by the person/persons, therefore, it would be appropriate to hear the present matter by the same Bench who will hear the said PIL.

5 Learned senior counsel appearing for the Commission opposes the argument raised by the learned senior counsel for the petitioners and submits that petitioner No 2 in



this petition was the only person who appeared in the examination at Babu Pariksha Parisar on both occasions, i e, on 13.12.2024 and 04.01.2025. Apart from him, none of the petitioners appeared in the preliminary examination conducted on 13.12.2024 and 04.01.2025 though admit cards have been issued in their favour. So far as the allegations made by the petitioners in paragraph 8 of the petition is concerned, it is submitted by the learned senior counsel that none of the candidates who appeared in the examination on the centers, which are mentioned in paragraph 8 of the petition, have made any complaint to the Commission regarding any irregularities nor any of them have filed any affidavit in support of these facts. Learned senior counsel further submits that as per the video recording, it was found that on 13.12.2024 at Babu Pariksha Parisar at about 1.5 pm, one candidate fled away with the question paper and some of the questions which have been mentioned in the social media, i e, X was posted at 1.6 pm. Therefore, the allegation of paper leak, as made by the petitioners, is baseless.

6 Having heard learned senior counsel for the respective parties and considering the facts and circumstances of the case and argument raised by the learned senior counsel, at



this stage, I am not inclined to grant any interim relief, as prayed by the petitioners. Learned senior counsel for the respondents are directed to file detailed parawise counter affidavit on or before 30th of January, 2025.

7 List this petition for further consideration on 31st of January, 2025.

8 It is made clear that any result of the preliminary examination, conducted by the Commission, will be the subject matter of the final outcome of this petition.

(Arvind Singh Chandel, J)

M.E.H./-

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