

(2019) 12 PAT CK 0127

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 16250 Of 2019

Anil Kumar Sharma

APPELLANT

Vs

State Of Bihar Through The Principal Secretary And Ors

RESPONDENT

Date of Decision : 12-12-2019

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2019) 12 PAT CK 0127

Hon'ble Judges : Rajendra Kumar Mishra, J

Bench : Single Bench

Advocate : Alka, Madanjeet Kumar, Lalit Kishore, Vikash Kumar

Final Decision : Dismissed

Judgement

1. Heard the parties.

2. By filing this writ application, the petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India for issuing the writ of mandamus, directing the respondents-Bihar Public Service Commission to include the name of the petitioner in the list of the candidates, selected for interview in the Social Science Group as the petitioner has obtained 75 percent marks in the written examination, having high position in the combined merit list, prepared by the respondents-Bihar Public Service Commission for the post of Lecturer in Government Training Colleges of (Written) Open Competitive Examination, advertised by the Bihar Public Service Commission vide Advertisement No.02/2016.

3. Learned counsel for the petitioner submits that vide Advertisement No.02/2016, the Bihar Public Service Commission advertised the vacancies for the Lecturer in Government Training College, fixing the date 25.08.2018 for Written Open Competitive Examination. The petitioner having requisite qualification applied for the post of Lecturer in Social Science and appeared in the written examination held on 25.08.2018 after receiving the Admit-Card

issued by the Bihar Public Service Commission bearing Roll No.203272. The petitioner belongs to EBC category and according to Roster, 12 vacancies were notified for EBC category in Social Science Subject and the petitioner had also furnished the certificate about his category of EBC at the time of submission of the form. For qualifying the written examination for EBC category, minimum 34 percent marks was to be obtained. Out of 60 questions, the petitioner solved the 45 questions (75 percent) correctly, according to the Answer-Key uploaded by the Bihar Public Service Commission on the Web-site. While the qualifying percentage marks for EBC category is only 34 percent but the name of the petitioner was not shown in the list published for the interview by the Bihar Public Service Commission.

4. Learned Senior counsel appearing for the Bihar Public Service Commission submits that in paragraph-13 of the counter affidavit filed on behalf of the Bihar Public Service Commission, it is specifically detailed that as per the Government Notification No.2374 dated 16.07.2007 and Letter No.6706 dated 01.10.2008, the minimum qualifying marks for EBC category, in which the petitioner belongs, is 34 percent of total marks. Actual candidates to be called for interview is 2.5 times of the seats, available for the EBC category. The petitioner did not secure minimum marks to be called for interview and till the final publication of the result, the number secured by the petitioner in the written test cannot be published. Moreover, the petitioner has right to obtain the written examination marks after publication of the final result under RTI Act, thereafter, if the petitioner would have any grievance, he may approach the appropriate forum for redressal of the same.

5. In view of the aforesaid submission of the learned counsel for the petitioner and the learned Senior counsel appearing for the Bihar Public Service Commission, this writ application appears to be pre-matured and the same is, accordingly, dismissed being pre-mature.