

(2026) 08 PAT CK 2537

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.1513 of 2022

Kawita Kumari

APPELLANT

Vs

The State Of Bihar & Ors.

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

Citation : (2026) 08 PAT CK 2537

Hon'ble Judges : Dr. Anshuman, J

Bench : Single Bench

Advocate : Mr. Akhileshwar Singh, Mr. Kunal Tiwary, Mr. Aniket Singh, Ms. Mimansa Singh, Mr. Fazla Karim

Final Decision : Dismissed

Judgement

Date : 03-08-2026 Heard learned Counsel for the petitioner, learned Counsel for the Bihar Police Sub-Ordinate Service Commission and learned Counsel for the State.

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

To direct the responder to

to appoint the petitioner on the post of Sub-Inspector of Police, in pursuant to the advertisement no-01/2019 under EBC (W) Category and accordingly issued appointment letter in her favour.

(ii) To restrain the respondents from disposing of the O.M.R. sheets, answer books of written examination, records of Physical Examination and other relevant documents/records related to the examination conducted in pursuant to Advertisement No- 01/2019 dated 22.08.2019 till disposal of this application including the O.M.R. sheet of petitioner.

(iii) Further to direct the Respondent No- 4 & 5 to produce the OMR sheet of petitioner and the marks obtained by all the E.B.C. (W) finally selected candidates before this Hon'ble Court.

And for any other relief(s) for which the petitioners may be found entitled in the facts and circumstances of the case.

3. Learned Counsel for the petitioner submits that the petitioner has participated in the examination process published by the Bihar Police Sub-Ordinate Service Commission for appointment of Police Sub-Inspector, Sergeant, Assistant Superintendent Jail (Ex-serviceman) through Advertisement No. 01 of 2019. Counsel submits that the total number of post which was advertised was 2494 and last date of submission of application was 25/09/2019. It has been submitted by learned Counsel for the petitioner that after scrutiny of application form submitted by the petitioner, admit card was issued to the petitioner for appearing in the Preliminary Test/PT Examination having Roll No. 4039080321, the petitioner was declared successful in the result of Preliminary Test examination and subsequently, another admit card was issued to the petitioner for appearing in the Mains Examination having Roll No. 6520070152. Counsel submits that the petitioner appeared in the Mains Examination and result of Mains Examination was published on 16/01/2021, but the roll number of the petitioner was not found place. Counsel submits that the petitioner filed RTI for obtaining record of her OMR Sheet of Mains Examination, which was not provided to the petitioner. Counsel submits that the RTI was answered which is at Annexure-15 in which it is indicated that the department is unable to provide the details as demanded by the petitioner as the confidential material auction process of examination in question has been started. Counsel submits that the final result has been published on 17/06/2021, the petitioner's name was not figured in the same and RTI of the petitioner has also been rejected. Counsel submits that the petitioner was so confident of her examination, therefore, she filed the present writ petition with the above mentioned prayer. Counsel submits that the counter-affidavit has come and in the counter-affidavit the OMR Sheet has also been attached about which they have initially intimated that it was not available. Counsel submits that in the back of the OMR Sheet, it has been indicated that Roll number and Question Booklet number has to be filled up very carefully but it was nowhere mentioned that due to non fulfillment, the candidature shall be cancelled. It is due to this reason, her candidature was not cancelled but name of the petitioner was not figured, even marks has not been provided by the Commission. Counsel submits that when OMR Sheet has come then in this background that there is no instruction of cancellation of candidature on such ground which has been raised by the Commission.

4. Learned Counsel for the petitioner submits that the Commission be directed to indicate that what number the petitioner has received in the examination and the Commission be directed to publish the result of successful candidates.

5. Learned Counsel for the Bihar Police Sub-Ordinate Service Commission, on the other hand, submits that from the OMR Sheet it becomes crystal clear that the column of roll number has been duly filled up but the column of Question Booklet number has not been filled up properly. Counsel submits that there is specific

direction that the Roll number and Question Booklet number must be filled up very carefully but from the OMR Sheet, it is crystal clear that during the written examination of Mains Paper-2, the petitioner had not filled up column -2 of the OMR Sheet concerning the Question Booklet number in proper manner. Therefore, the petitioner was declared ineligible in the Mains Examination and her marks has not been calculated due to which she could not come in the category of successful candidate. Counsel submits that when answer-sheet itself was defective and not filled up in accordance with the guidelines made in the answer-sheet itself, therefore, calculation of answers given was not possible.

6. After hearing the parties and particularly upon perusal of Annexure-A, it transpires to this Court that column-2 of the answer-sheet that is Question Booklet number has not been fulfilled properly about which there was clear-cut instruction made in Clause-7 of the instruction, i.e., "Darken the circles correspondence to your Roll No. and Question Booklet No. against Box No.1 and 2 very carefully". It is true that it is nowhere mentioned that if it shall be not filled up then on this ground the answer-sheet shall be cancelled or marks shall not be calculated.

7. Upon perusal of Annexure-A, it transpires to this Court that instruction made in the answer-sheet has not been fulfilled about which there was a clear-cut instruction made in the column-7 to darken the circles very carefully. This Court finds that the decision of Commission is absolutely right and there is no any need of interference, as due to non fulfillment of relevant column result has not been published.

8. With the aforesaid direction and observation, the present writ application stands dismissed.