

(2020) 11 PAT CK 0089

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 8324 Of 2020

Khyati Sinha And Anr

APPELLANT

Vs

Bihar Public Service Commission And Ors

RESPONDENT

Date of Decision : 25-11-2020

Acts Referred:

Citation : (2020) 11 PAT CK 0089

Hon'ble Judges : Shivaji Pandey, J; Partha Sarthy, J

Bench : Division Bench

Advocate : Apurv Harsh, Lalit Kishore

Final Decision : Dismissed

Judgement

Heard Mr. Apurv Harsh, learned counsel for the petitioner, Mr. Sanjay Pandey, counsel for the B.P.S.C. and Mr. Piyush Lall, representing the Patna

High Court.

The present case is, by and large, in the nature of public interest litigation though the petitioners have to appear in the examination to be conducted for

the purpose of selection of Judicial Officers against the Advertisement No. 04 of 2000.

In the present writ application, the basic issue has been raised by the petitioner that as there is a pandemic, the time decided for holding the preliminary

test examination on 6.12.2020 be extended as it is not conducive and suitable time for conducting the examination and he has drawn attention of this

Court towards the order dated 22.9.2020 passed by the Honâ??ble Apex Court in the case of Malik Mazhar Sultan & Anr. Vs. U.P. Public Service

Commission & Ors. and has drawn attention to the different paragraphs of the order. In the aforesaid order, the Honâ??ble Apex Court has

examined the situation of pandemic in different states specially in Madhya Pradesh and the Uttar Pradesh. At that time, the time was extended for conducting the examination on account of erstwhile situation of the pandemic. The date of preliminary examination was fixed on 30.9.2020 but, due to increase in the number of affected persons, a request was made from the High Court Bar Association on 29.8.2020 seeking postponement of the examination. The examination was to be conducted in Bhopal, Indore, Gwalior and Jabalpur.

Looking to the entire fact and circumstances, the interlocutory application was allowed permitting the Examination Committee of the Madhya Pradesh

High Court to review the situation once in a month and take a decision to conduct the above examination. The first of such review is to be conducted

in the 1st week of November, 2020. The High Court may endeavour to hold the examination as soon as the situation becomes conducive and the time-

schedule shall stand extended accordingly.

It is to be noted that in the State of Bihar, recently the Election Commission has conducted the election of Legislative Assembly and large number of

voters of this State have participated in the election process. At the same time, we cannot ignore the fact that the NIT examination and other

competitive examinations have also been conducted peacefully and properly and, in the present case, the date for preliminary examination has already

been extended and has been fixed on 6.12.2020. In this case, one of the petitioner, namely, Khyati Sinha is the resident of Bokaro Steel City, Bokaro,

Jharkhand and the another writ petitioner, namely, Sujit Kumar is the resident of Patna itself. When this Court has asked the learned counsel for the

petitioners about the writ petitioner Sujit Kumar as to whether he has participated in the election process or not, he has replied that certainly he must

have participated in the election process.

It does not stand to the reason that when the people of this State have already celebrated different festivals including Chhat Puja and have also

participated in the election process of Legislative Assembly, it does not stand to our reason why these two petitioners would not like to participate in

the preliminary examination. None else except two applicants have approached this Court for extension of date of preliminary examination, it will be

travesty of justice to extend the date of examination.

This Court does not find any merit in this writ application and the same is dismissed.