
(2020) 01 PAT CK 0395

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 23248 Of 2019

Kumari Pushpanjali Bala

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 29-01-2020

Acts Referred:

Citation : (2020) 01 PAT CK 0395

Hon'ble Judges : Madhuresh Prasad, J

Bench : Single Bench

Advocate : Vishwanath Prasad Singh, Sanjay Parasmani

Final Decision : Dismissed

Judgement

Heard learned Senior counsel for the petitioner and learned counsel for the Respondent-State.

The petitioner was an applicant at the 63rd Combined Competitive (Main) Examination for appointment conducted by the Bihar Public Service Commission (hereinafter referred to as the'B.P.S.C.').

Shorn of unnecessary details, the petitioner's case is that by mistake she left the original provisional certificate of Graduation at home while going for the Interview which was scheduled to be held on 12th September, 2019.

The learned Senior counsel, representing the petitioner, submits that being a bona fide mistake, the petitioner made a plea before the Authority for being granted 45 minutes to produce the original of the provisional Graduation Certificate. Such plea of the petitioner was not acceded to and her candidature was rejected for non-production of the original testimonial being the provisional Graduation certificate. It is submitted that the petitioner produced all other original of testimonials as well as duly attested copies as per requirements contained in Clause-2 of the interview letter (Annexure-3) and as such she should have been allowed time to produce original of the provisional graduation

certificate. She prays for a direction to the respondent- Commission to publish her result. Clause-2 of the Interview Letter reads as follows:-

"02. ?? ?????????? ?????? ???, ?? ?? ?? ?? ?? ?????? ?? ?? ?????????? ?? ?? ?
?? ?? ?? ?????????????????? ?????????????? ?? ?? ?????????? ??????-:

(i) ???? ???? ?? ???????? (Proof of date of Birth) ???? ?????? ?????????? ?? ?? ?????? ???/? ?? ????)

(ii) ?????? ?? ?????? ?? ?? ?????

(iii) ?????? ?? ?????? ?? ?????? ?????

(iv) ???? ????/????? ???? ???? ?? ?????????????? ?? ?? ?????????????? ???? ???? ??
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(v) ????? ????/????? ???? ???? ?? ?????????????? ?? ?? ?????????????? ?? ?????????? ?
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(vi) ?????????? ????/????????? ???? ???? ?????????????? ?? ?? ???? ???? ???? ???? ??
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(vii) ?????????? ?????????? ?????? ???? ?? ???? ???? ????
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(viii) ?????????? ???? ? ????/????/????/???? ? ???? ? ???? ???? ???? ????
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(ix) ????? ???? (?????????????)?

(x) ?? ?????????? ???? ? ???? ???? ???? ???? (Recent Photograph)

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(15.12.2017) ? ? ? ? ? ? ? ? ? ? ? ? ? ? ? ? ? ?

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The same lays down a non-discretionary provision which is uniformly applicable to all candidates. The Clause in itself does not allow any discretion capable of being exercised arbitrarily in individual cases where the candidates may have appeared at the Interview without any of the original testimonials or copies

which were required under the said provisions. The one and only non- arbitrary consequence of such lapse is rejection of the candidature. The Clause in itself promotes fairness in the process and safeguards the interest of others who are duly diligent and appeared at the Interview along with all the requisite testimonials.

The plea raised by learned Sr. counsel invoking equity and substantial justice cannot be acceded to ignore/overcome the requirements contained in Clause-2 of the Interview Letter, having regard to the fact that it only promotes fairness and provides non-arbitrary and non-discretionary consequence of failure to produce original of testimonials which is of universal application to all the candidates appearing in the interview.

No exception thereto can be permitted.

In the aforesaid background, no enforceable claim is made for exercise of jurisdiction under Article 226 of the Constitution of India in favour of the petitioner.

The writ petition is dismissed.