

(2018) 05 PAT CK 0109

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 445 Of 2018

Ujjwal Kumar

APPELLANT

Vs

State Of Bihar Through The Chief Secretary And Ors

RESPONDENT

Date of Decision : 18-05-2018

Acts Referred:

Citation : (2018) 3 PLJR 600

Hon'ble Judges : Mohit Kumar Shah, J

Bench : Single Bench

Advocate : Dr. Binay Kumar Singh, Brij Mohan Kumar, Amit Singh, Sanjay Pandey, Mrigendra Kumar

Final Decision : Dismissed

Judgement

1. The petitioner by way of the present writ petition seeks direction upon the Respondent Nos. 3 to 5 to issue admit card to the petitioner.

2. The brief facts of the case are that the Bihar Public Service Commission (hereinafter referred to as the Commission) had published an

advertisement on 15.09.2016, inviting applications from the suitable candidates in the 60th to 62nd Common Combined (Preliminary) Competitive

Examination, 2016 (hereinafter referred to as the Examination 2016). The detailed advertisement and important instructions for filling the online

applications were displayed on the site of the Commission. The online applications were to be filled in between the period 27.09.2016 to 03.11.2016.

The time for filing the online forms was extended on three occasions so that no suitable candidate is left out, hence, the last extended date of

submission of the online forms was 05.12.2016. The Commission had then scheduled the date of holding the preliminary test on 12.02.2017. In the

meantime, some of the candidates, who had not got the admit cards, had approached this Court by filing a writ petition bearing C.W.J.C. No. 1779 of

2017 and this Court by an order dated 09.02.2017 had directed the Commission to allow the petitioners and intervenors of the said writ petition to

appear at the examination.

3. The learned counsel for the petitioner has argued that the Commission had committed an error by not issuing the admit card to the petitioner herein

despite him having submitted the online form, complete in all respects. It has further been submitted that Annexure-6 would show that the petitioner

had registered successfully on the portal of the Commission. The learned counsel, referring to the aforesaid order dated 09.02.2017 passed in

C.W.J.C. No. 1779 of 2017, has submitted that the process of submission of online forms was itself defective, hence, the petitioner should be given

benefit of doubt and it is required that the petitioner be allowed to participate in the ongoing selection process, initiated by the Commission.

4. Per contra, the learned counsel for the Respondent- Commission, referring to the counter affidavit, has submitted that the advertisement and the

instructions mentions the steps to be followed by the candidates while filling up the online application forms. It is submitted that there are three steps,

Step I is online registration and downloading of candidate specific challan, step II is payment through challan or online payment through SBI collect

and updation of payment on dashboard and step III is filling up the final form, submitting online and then getting the copy of the final filled up form. It

has been submitted that only after completing step III, application process is complete. The learned counsel has further submitted that the petitioner

has not completed the entire formalities of online processing of application form especially, the step III wherein the petitioner was required to enter

exam related details and after filling of all the said details, he was required to submit the form whereafter he had to re-login and ensure that soft copy

(PDF) is generated on the dashboard and in case, the soft copy was not generated, the petitioner was required to submit the final form again.

However, in the present case, the petitioner has not submitted the final form and therefore, the soft copy (PDF) of his form has not been generated.

The learned counsel has further submitted that altogether 2, 43, 663 candidates, after following the instructions of the advertisement, completed all the

formalities and have successfully filled up the online application forms and got their filled up PDF / Soft Copy on their dashboard. In fact, the

Commission had also extended the last date for filing the online form so that no suitable candidate would be left out. However, non-production of the

filled up PDF/ Soft Copy by the petitioner by way of annexure to the writ petition itself shows that the petitioner had not followed the instructions and

not completed the entire process of online application form, hence, admit card could not be generated and issued to the petitioner herein.

5. Thus, in a nutshell, the case of the Respondents- Commission is that the petitioner admittedly faltered incorrectly filling up the online form, which is apparent from his own showing, hence, the Commission cannot be blamed.

6. The learned counsel for the Respondents- Commission has further, referred to the judgment of this Court dated 10.02.2017 passed in L.P.A. No.

235 of 2017 whereby and whereunder the aforesaid order dated 09.02.2017, passed in C.W.J.C. No. 1779 of 2017 was challenged and the learned

Division Bench, after seeing the demo and understanding the process of online submission of the application forms, came to the conclusion that such

process, prima facie, does not support the findings recorded by the learned Single Judge.

7. I have heard the learned counsel for the parties and have gone through the materials on record.

8. On going through the submissions made by the learned counsel for the Commission as also upon perusal of the counter affidavit, this Court is

satisfied that the petitioner had faltered in submission of the online form and did not complete all the stages thereof resulting in non-generation of the

PDF / Soft Copy of the complete filled up form of the petitioner, which itself is a proof of the fact that the petitioner had not filled up the online form

completely and certain deficiencies had crept in while filling up the online form resulting in non-generation of admit card to the petitioner herein. On

this ground alone, the writ petition is fit to be dismissed. However, there is yet another aspect of the matter inasmuch as the present writ petition has

been filed belatedly on 06.01.2018 whereas the last date of submissions of the forms was 05.12.2016 and the notice of holding of P.T. Examination

was published on 15.01.2017 whereafter, the examination had also been held on 12.02.2017. It is intriguing to note that as to what had prevented the

petitioner from approaching this Court immediately upon publication of the notice of holding of the PT Examination which is dated 15.01.2017, wherein

the Commission had declared that the examination would be held on 12.02.2017 and the candidates should complete the necessary formalities such as

pasting of photograph on the e-admit card etc.

9. Thus, on the date of publication of the said notice dated 15.01.2017, the petitioner was well aware that his admit card had not been generated, but

still he did not take any step and now, almost after a year, the petitioner has filed the present writ petition belatedly, hence, the same is not only marred

by the vice of delay and laches but also amounts to abuse of the process of the Court. Therefore, at this belated stage, the petitioner cannot be granted

any relief and on this ground as well, the present writ petition is fit to be dismissed.

10. For the reasons mentioned hereinabove, this Court finds that there is no merit in the present writ petition and the same is fit to be dismissed.

11. The writ petition is dismissed.