

(2021) 03 PAT CK 0151

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 7429, 7595 Of 2021

Meha Verma

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision: March 18, 2021

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

Bench: Division Bench

Advocate: Manoj Kumar, Aishwarya Shree, Saroj Kr. Sharma, Sanjay Pandey, Nishant Kumar Jha, Ranjan Kumar Srivastava

Final Decision: Dismissed

Judgement

As in both these writ applications, a similar issue has been raised, as such, same are being taken up together and are being disposed of by a common order. Heard the parties.

For convenience facts of the case of Meha Verma (CWJC No.7429 of 2021) is being taken into consideration.

In CWJC No.7429 of 2021, the petitioner is raising her grievance with respect to one question i.e. Question No. 126 wherein four options have been

given and the petitioner has marked 'C' whereas as per the Bihar Public Service Commission 'D' is the correct answer.

Similarly in CWJC No.7595 of 2021, the petitioners are raising their grievance with respect to Question Nos. 46 and 128 of the 'B' series

booklet.

Counsel for the petitioner of CWJC No.7429 of 2021 submits that the Commission has wrongly given 'D' is the correct answer, whereas, in

fact, "A" is the correct answer and he has placed reliance upon the judgment of High Court.

Counsel for the petitioners of CWJC No.7595 of 2021 submits that the Commission has wrongly given "B" is the correct answer whereas in fact "A" is the correct answer.

After examination was conducted, the Commission has issued a notice dated 19.12.2020 in its website, asking the candidates that the model answer (provisional) would be available on the website if any candidate has to raise objection with regard to any item of model answer, they are at liberty to do the same, but it must reach on or before 31.12.2020 at 5.00 P:M in close envelope mentioning the advertisement number and that will be looked into by the Expert and after discussing the objection so raised by the different candidates, final answer list will be prepared.

It is admitted fact that the petitioners have not raised any objection with regard to the model answer given in the notice and after the final result, these writ applications have been filed taking a plea that in the advertisement, there is no such procedure has been prescribed that after the examination will be conducted the model answer will be published in the website asking the candidates to raise objection, so the Commission cannot change the procedure in the midway, whereas the Commission says that it is a standard procedure, which is adopted by every examining body in order to make the candidate to sure the answer, which has been given as correct or incorrect answer, so opportunity has been given to each and every candidate to suggest the answer, which is, according to the candidate, is wrong, same will be looked into by the Expert body and if it is found that the suggestion given by the candidate is correct then the answer has to be modified accordingly.

Admittedly the petitioners have failed to raise objection as per the notice published in website of the Commission and now, after the final result of preliminary test, they are raising objection about the correctness of answer which they cannot be allowed to take round and challenge the answer.

The second point has been raised by the petitioners that the candidate is not expected to visit every day the website of the Commission, but the question would arise that when a standard procedure has been prescribed, it is known to all candidates that the model answer (provisional) will be

published on the website which the candidates are required to visit. If they failed to visit, they cannot blame the Commission.

The third point has been raised by the petitioners that there is no statutory provision prescribing the procedure for the model answer and raise

objection. If the candidate has not raised any objection, does not mean that he will be debarred. He has placed reliance on the judgment dated

25.11.2014 of this Court passed in CWJC No. 13999 of 2014, but later on this issue has been gone into by the Division Bench in the case of Ravindra

Kumar Singh Vs. State of Bihar reported in 2016(1) PLJR 865 in which this Court has occasion to look into the procedure to be adopted by the

Commission and specifically it has been directed that when the examination is conducted, the model answer has to be published in the website asking

the candidate to raise objection if any within the stipulated time, if the objection is raised, the Expert will look into it and if it is found that objection

raised is correct, in such circumstances, it has to be modified accordingly and this standard procedure has been adopted by each and every examining

body. The aforesaid view has been taken on the basis of judgment of Honâ€™ble Supreme Court, as such, judgment of learned Single Judge cannot

hold the field and this plea has no substance and the same is rejected.

In such view of the matter, this Court does not find any merit in these writ applications and, accordingly, the same are dismissed.