

IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.6945 of 2009
NALINI RANJAN
Versus
THE STATE OF BIHAR & ORS
With
✓ CWJC No.7048 of 2009
VIJAY KUMAR
Versus
THE STATE OF BIHAR & ORS

03. 09.10.2009 Heard learned counsel for the petitioners
and learned Additional Advocate General-3.

The petitioner was an applicant for the 48th -
52nd Joint Preliminary Competitive Examination held by
the Commission on 25.05.2008. His name did not figure
in the list of successful candidates published on
19.09.2008.

The grievance of the petitioner is that the
respondents originally wrongly declared him
unsuccessful and subsequently by a communication
dated 8.5.2009 received by the petitioner on 19.5.2009
informed him to have passed. He should therefore be
permitted to appear in the special examination being
held on 13.10.2009.

Counter affidavit has been filed on behalf of
the Respondent Commission. Paragraph 12 of the
counter affidavit expressly acknowledges the error
committed by the Commission in entry of data with
regard to the reservation category code of the petitioner

in the computer leading to the error which has now been rectified and the petitioner declared eligible.

Learned counsel for the Commission fairly acknowledges that the fault lay with the Commission. This Court is satisfied that the interest of justice requires that the petitioner be permitted to appear at the special examination to be conducted on 13.10.2009. This examination is being conducted in pursuance of certain orders of the writ and appellate court (LPA No. 178 of 2009) with regard to those of the 94 candidates declared successful in pursuance of the court orders.

Learned counsel for the Commission has very fairly submitted that the examination on 13.10.2009 is for the two mandatory papers and as and when the examination of the optional papers for which the petitioner has opted is held, he shall be duly permitted to appear.

The writ petition is disposed with directions that the petitioner is allowed to appear at the final examination on 13.10.2009 and the subsequent papers to be held in the additional subjects thereafter.

The writ application stands allowed.

C.W.J.C. No. 7048 of 2009

It is not in controversy that the facts are similar except for difference in the date when the

communication has been received by the petitioner of his being a successful candidate. It is, therefore fully governed by the order in C.W.J.C. No. 6945 of 2009 also.

This order has been passed in presence of the counsel for the Commission to complete necessary formalities no sooner that the petitioners appear before the commission.

The writ application stands allowed.

Shageer

Sdf (Navin Sinha, J)

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14/10/09
For Joint Registrar (J)
Patna High Court
Authorised U/S 76 Act I of 1872

Sunil Kumar

14-10-2009

22-10-9039