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Date of  
Order

ORDER WITH SIGNATURE

Office notes as to action  
(if any) taken on order

~~IN THE HIGH COURT OF JUDICATURE AT PATNA~~  
C.W.J.C. No. 7754 of 2000  
Arvind Kumar Lal v. State of Bihar and ors.  
with  
C.W.J.C. No. 7874 of 2000  
Mukesh Kumar Jaiswal v. State of Bihar and ors.

For the Petitioner: Mr. Tarkeshwar Dayal, Sr. Advocate,  
(in both cases) Mr. Subhro Sanyal, Advocate.

For BPSC ; Dr. S.N. Jha, Sr. Advocate,  
(in both cases) Mr. A.K. Choudhary, Advocate.

11 27.11.2001

Heard learned counsel for the petitioners and  
learned counsel for the respondent Bihar Public  
Service Commission.

Both these writ applications have been heard  
together, as common questions of law and facts are  
involved therein, therefore, the same are being  
disposed of by this common order.

The petitioners, in sum and substance, have prayed for  
annulling the final result of 42nd Combined Competitive  
Examination held by the Bihar Public Service Commission  
(hereinafter to be referred to as 'BPSC'), dated  
5.4.2000.

Learned counsel appearing on behalf of the petitioners  
submitted that the persons having obtained lesser  
marks than the petitioners have been selected,  
whereas the petitioners have been declared unsuccessful.

It is further submitted that several irregularities  
have also been committed by the BPSC in conducting  
the aforesaid examination and declaring the result  
of the same and the petitioners, therefore, apprehend  
that the final result, published by the BPSC for



91

112

Date of Order	ORDER WITH SIGNATURE : 2 :	Office notes as to action (if any) taken on order
contd.	<p>42nd Combined Competitive Examination has not been published according to the marks obtained by the candidates.</p> <p>Counter affidavits have been filed on behalf of the BPSC, stating therein that the claim of the petitioners is based on surmises and conjectures and no positive statements have been made in the writ applications making out a case of discrimination and the petitioners merely apprehend that the result of the 42nd Combined Competitive Examination held by the BPSC has not properly been published, and, therefore, these writ applications are fit to be dismissed.</p> <p>On reading the writ applications, it appears that the petitioners' assertions in paragraphs 11 to 16 have been verified in the respective affidavits as true to their knowledge and on the basis of those pleadings the petitioners have sought for the reliefs. No positive statement has been made in the writ applications making out a case of discrimination.</p> <p>However, learned counsel appearing on behalf of the petitioners contended that the petitioners have reasons to believe that the candidates securing lesser marks have been declared selected and the petitioners have been declared unsuccessful.</p> <p>The submissions made on behalf of the petitioners are based on surmises and conjectures and on mere</p>	

KFO

