m. G. Tan. 111.5]

The Tur

Office notes as to action lal Date of ORDER WITH SIGNATURE of (if any) taken on order Order 10 IN THE HIGH COURT OF JUDICATURE AT PATNA C.W.J.C. No. 7754 of 2000 Arvind Kumar Lal v. State of Rihar 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. , Dr. S.N. Jha, Sr. Advocate, For BPSC . (in both cases) Mr. A.K. Choudhary, Advocate. Heard learned counsel for the petitioners and 11 27.11.2001 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

Binod Press, Patna-20-15,000

KTO

(112)

h. III- 5) Office notes as to action Date of Order ORDER WITH SIGNATURE (if any) taken on order 42nd Combined Competitive Examination has not contd. been published according to the marks obtained by the candidates. 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. 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. . 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. The submissions made on behalf of the petitioners are based on surmises and conjectures and on mere

KTO

4 Sch. III- 5]

Date of Order

of

.der

ORDER WITH SIGNATURE

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

apprehension of the petitioners on basis of such pleadings in the writ applications, in my opinion, it would not be proper for this Court to issue a writ of certiorari annulling the result of the aforesaid examination held by the BPSC.

Dr. S.N. Jha, learned counsel appearing on behalf of the BPSC, submitted that there is no provision even for re-evaluation of the answersheets and the prayers made on behalf of the petitioners are fit to be rejected.

Considering the facts and circumstances of the case, I do not find sufficient reasons to interfere in the matter.

These writ applications are, accordingly, dismissed.

No order as to costs.

sdi-Narayan Roy, I.

SC

WERNIFIED TO BE THEY FROTO CON YOUR

Lacharised U/S V.6 Aus 1 of 10970

1000hm 1 27171223