(Rule III – 5)

Adv. No. 54/97

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. 8663 of 1999
Parashuram Mishra Vs. State of Bihar and ors.

4/ 28.7.2005 Heard learned counsel for the petitioner, learned counsel for the Bihar Public Service Commission (hereinafter refferred to as the Commission) and J.C. to S.C. 9 for the respondent state.

The petitioner has prayed for setting aside the publication of result by the Commission pursuant to Advertisement No. 54 of 1997.

It is submitted by learned counsel that the petitioner vis a vis respondent no. 4 had appeared in the examination held by the Commission pursuant to Advertisement no. 54 of 1997 for the post of Assistant Professor in the Department of Electrical Engineering in Science and Technology Department, Government of Bihar, Patna and both of them had secured the same marks but some how or the other respondent no. 4 was delcared successful ignoring the claim of the petitioner. It is further submitted by learned counsel that respondent authorities had not properly considered the educational qualification of the petitioner and had it been done so, he could have secured five extra marks or his technology degree.

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In the counter affidavit filed on behalf of the Commission, it is stated that respondent no. 4 had secured higher marks than the petitioner and on that basis respondent no. 4 was declared a successful candidate for the post of Assistant Professor. In paragraph 6 of the supplementary counter affidavit, it is categorically stated that respondent no. 4 had secured 131.11 marks whereas petitioner had secured 131.10 marks. Learned counsel for the Commission submits that respondent no. 4 secured higher marks than the petitioner and the Commission has evaluated both academic as well as their performance in the examination and rated the respondent no. 4 a better candidate than the petitioner.

From the pleadings of the parties, thus, it appears that respondent no. 4 had secured higher marks and accordingly he was selected for the post of Assistant Professor.

For the reasons aforementioned, therefore, I do not find any reason to interfere in the matter.

This writ application is accordingly dismissed.

Sd/- Narayan Roy, J.

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For Joint Registrar (J)
Patna High Court
12-8-2005