

The High Court of Judicature at Patna

The 14th day of September 2003

The Hon'ble The Chief Justice Present:

AND The Hon'ble Mr. Justice Shashank Kumar Singh D.B. of the Judges of this Court

Appeal from

C.N.J.C. Suit arising out of No. C.N.J.C. 12715/2002 Appeal

L.P.A. No. 782 of 2003 200 of the Court of the Hon'ble High Court Patna.

21/12/03
25/9/03

OS dt - 30-6-2003

Rajan Kumar

Appellant

Versus

The Bihar Public Service Commission Respondent
f ors

26/9/03

True copy of Order no-3 dt-4-9-2003 attached herewith. (Two sheets)

2009
26.9.03

(Sd.)

(Sd.)

Memo No. - 2296 dt - 11/9/03

True Copy

True copy of order forwarded to the chairman, Bihar Public Service Commission, Bailey Road, Patna, in continuation of this court's memo no. - 6938 dt - 23-8-2003 passed in C.N.J.C. 12715/2002, for information and necessary action.

Deputy Registrar

Manoj Kr. Mishra
10/9/2003

B. S. M.
10/9/03

for A.P.A.

IN THE HIGH COURT OF JUDICATURE AT PATNA
L.P.A. No. 782 of 2003

Rajan Kumar ... Appellant

Vs.

The Bihar Public Service
Commission & ors. ... Respondents

For the appellant: Mr. Sanjay Kumar Verma
For the respondents: Mr. Naresuh Dikshit

4.9.2003

The delay in filing the appeal is
condoned.

This petition has been filed impugning
the order of 30 June, 2003 on C.W.J.C. No.
12715 of 2002: Rajan Kumar Vs. The Bihar
Public Service Commission and ors.

The petitioner would like to have a
direction that the examination which was
scheduled on 17 November, 2002 by the Bihar
Public Service Commission for the post of
Accounts Officer in the Bihar Accounts Service
should be restrained. This is not possible
today. The examination has been held. The
Court cannot put the clock back.

Further, the petitioner quarrels that
the qualifications as were mentioned in the
advertisement by which he had also applied, he
is also qualified to take the examination. The
advertisement mentioned that the candidates must

possess a graduate degree in commerce, a graduate degree in mathematics or a graduate degree in economics and statistics from a recognised institution of Indian and foreign Universities. Further, the candidates having the degree of commerce with Chartered or cost Accountancy will be given a preference.

The contention of the petitioner is that he is a graduate and was qualified to apply for the examination. A closer look at the petitioner's degree shows that he is a graduate with Physics Honours with subsidiary subjects as Chemistry and Mathematics. This is not answering the advertisement. On this the Court is not also satisfied. The Court does not find any error in the order on the writ petition.

This Letters Patent Appeal is misconceived. (Sd)

Dismissed.

Sd/-

(Ravi S. Dhavan, C.J.)

Sd/-

(Shashank Kumar Singh, J.)

Kanth

*True copy of
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5/9/2003

P.A.