

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1264 of 2020

Rakesh Kumar Patel Son of Late Suresh Prasad Patel, Resident of Village/Town-Dhobani, Block-Mainatad, P.O.-Pidhari, P.S.-Mainatad, District-West Champaran.

... .. Petitioner/s

Versus

1. The Bihar Public Service Commission through its Chairman, Jawahar Lal Nehru Marg, Bailey Road, Patna-800001.
2. The Joint Secretary Cum Examination Controller, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg, Bailey Road, Patna-800001.
3. The State of Bihar, Patna through Law Secretary Bihar Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhinay Alok, Advocate

For the Respondent/s : Mr. Akash Chaturvedi, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and

HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

Date : 02-08-2022

Heard Mr Abhinay Alok, learned counsel for the petitioner and Mr. Akash Chaturvedi, learned counsel for the Bihar Public Service Commission (for short 'BPSC').

2. The petitioner was an applicant under the 30th Bihar Judicial Service Competitive Examination initiated as per the Bihar Civil Service Judicial Branch (Recruitment) Rules 1955 as amended from time to time by the State Government. The recruitment in the said examination was



to be made on the post of Civil Judge (Junior Division). A requisition for the same was sent to the BPSC by the General Administration Department, Government of Bihar vide letter no. 6906 dated 08.06.2017 for 349 posts. The roster for reservation category wise was:

General (01)	175
SC (02)	56
ST (03)	03
EBC (04)	73
BC (05)	42
Total	349

3. The contention of the petitioner is that his candidature was cancelled by the respondent BPSC on the ground that he failed to produce original non-creamy layer certificate at the time of interview in terms of requirement under interview letter.

4. Learned counsel for the petitioner submitted that the BPSC has adopted a hyper technical approach and rejected the candidature of the petitioner on frivolous ground that he failed to produce the original non-creamy layer certificate for verification at the time of interview.



5. On the other hand, learned counsel appearing for the BPSC submitted that the requirement to produce the non-non-creamy layer certificate in original for verification is clearly mentioned in clause 3(v) of the interview letter and the petitioner failed to produce the same for verification. He contended that in case of non-submission of above required certificate, result of the petitioner in PT and mains were cancelled and he was considered in the unreserved category. Since he secured lesser mark in the aforesaid preliminary test as well as mains, his candidature has been cancelled, which would be evident from the resolution of the BPSC.

6. Having heard learned counsel for the parties and perused the materials on record, we find substance in the submissions made on behalf of the BPSC. It is well settled that selection process has to be conducted strictly in accordance with the stipulated selection procedure which needs to be scrupulously maintained and there cannot be any relaxation in terms and conditions of advertisement unless such power is specifically reserved in relevant rules or in the advertisement.



7. In the instant case, we find that in the clause 3(v) of the interview letter, it is clearly stipulated that the candidates must bring original certificate for verification as stated in the original advertisement along with two self-attested photo copies of the same on the date of interview including non-creamy layer certificate and, in case, on the date of interview any candidate does not produce the said original certificates then no further time would be given for the same and the BPSC would be free to take appropriate decision with regard to the eligibility of such candidates. It was also clearly mentioned in clause 7 of the said interview letter that the candidature of the candidates called for interview is provisional and appearance in the interview would not confirm the candidature of the candidate. The BPSC had reserved its right to take necessary decision with regard to the eligibility of the candidates at the time of interview or thereafter.

8. Since the petitioner failed to submit his original non-creamy layer certificate, no fault can be found with the decision of the BPSC whereby it has cancelled the candidature of the petitioner in the reserved category and he



was considered in the unreserved category. Since he has secured lesser marks in preliminary test as well as mains examination than the cut off marks of the unreserved category, he cannot have any grievance due to his non-selection in the aforesaid 30th Bihar Judicial Service Competitive Examination.

9. For the aforesaid reasons, the writ petition, being devoid of any merit, is hereby dismissed.

(Ashwani Kumar Singh, J)

(Shailendra Singh, J)

Pradeep/hassan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	8.8.2022
Transmission Date	NA

