

194/96

Asst. Commr.

(112) (10)

Serial No of Order	Date of Order	ORDER WITH SIGNATURE	Office notes as to action (if any) taken on order.
<p><i>253/04</i> <i>20-8-04</i></p>	<p><i>21/8</i></p>	<p>IN THE HIGH COURT OF JUDICATURE AT PATNA C.W.J.C. No. 2904 of 1999 Smt. Prabha Kumari Vs. State of Bihar & ors.</p> <p>----- For the petitioner: Mr. D.K. Sinha, Sr. Advocate For the State : Mr. A.K. Singh, S.C. 3 For the B.P.S.C. : Mr. Neel u Agrawa, Advocate -----</p> <p>Heard counsel for the parties.</p>	
<p><i>30. 8. 04</i></p> <p><i>253/04</i> <i>20-8-04</i></p> <p><i>197</i> <i>21/8</i></p>	<p><i>20-8-04</i></p>	<p>The petitioner has prayed for issuance of a direction upon the respondents Bihar Public Service Commission (hereinafter referred to as the Commission) to publish her result for the post of Assistant Geologist. <i>It appears that the petitioner</i> She appeared in the examinations held by the Commission. However, her result was not published nor her name was recommended to the government for appointment to the post of Assistant Geologist.</p>	
<p><i>पुस्तक पत्र 78</i></p> <p><i>ब्याग हेतु की वजा</i></p> <p><i>प्रति प्राप्त कर लेने</i></p> <p><i>की कृपा करेंगे।</i></p> <p><i>25/8/04</i></p> <p><i>श्री 27/8/04</i></p> <p><i>गुप्त प्रो. के. के. के.</i></p> <p><i>20/8/04</i></p> <p><i>853/781</i></p> <p><i>30/8/04</i></p>		<p>Learned counsel for the petitioner submitted that the petitioner belongs to backward (lady) category and she had submitted her application along with certificates granted by the appropriate authority claiming reservation against backward (lady) category post. It is further submitted that the petitioner was a successful candidate in the written examination and accordingly interview letter was issued to her and she appeared for interview but some how or the other, her result was not published.</p>	

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		<p>A counter affidavit and also a supplementary counter affidavit have been filed on behalf of the Commission stating therein that since the petitioner was not a successful candidate, her result was not published. This court vide order dated 24.6.2004 directed learned counsel for the Commission to produce the relevant chart showing marks obtained by successful and unsuccessful candidates pursuant to which a supplementary counter affidavit has been filed and relevant documents have been appended showing that the petitioner had claimed herself to be a candidate of 05 (06) category but her claim was considered as a candidate of 01 category in absence of certificate issued by the District Magistrate. The cut off marks for 01 category candidate was 40% where for 05 category the percentage was 36.5% and for the S.C./S.T. (lady) category candidate percentage was 32% whereas the petitioner, in all, secured 22.5% marks. Mrs. Neelu Agrawal, learned counsel appearing on behalf of the Commission, therefore, submitted that the petitioner cannot be treated in either of the categories as the percentage secured by her is much below the percentage prescribed for 05 category.</p> <p>Learned counsel for the petitioner, at this juncture, tried to impress upon the court that in case the petitioner had secured</p>	

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insufficient marks in the written test, interview letter could not have been issued to her and since interview letter was given to her, she has legitimate expectation that she has secured sufficient marks.

The question as to the exactness of the marks obtained by the petitioner cannot be gone into in this writ application at the face of the documents placed on record by the Commission. Prima facie, it appears from the materials on record that the petitioner secured 22.5% marks which was not the qualifying marks for either of the categories.

For the reasons aforementioned, therefore, I do not find sufficient reason to interfere in the matter. This application is accordingly dismissed.

Anil/

Sd
(Narayan Roy)

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15/7/04