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Action of (A, B, C)
Please
on 9.1.2008

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL WRIT JURISDICTION CASE NO. 13177 OF 2007

ALOK KUMAR
- VERSUS -

THE STATE OF BIHAR & OTHERS

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14.11.2007

निवेदन
इसकी प्रतिष्ठित स्थिति
के उपर्युक्त विवेक से
अनुमान हेतु किया
गया

9.1.08

404210 (120)
प्रतिष्ठा/प्र.सु.सं.सं.सं.
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Petitioner is a candidate for appointment to the post of Civil Judge (Junior Division). He applied for his appointment in pursuance of an advertisement of the Bihar Public Service Commission (hereinafter referred to as "the Commission", but he has not been recommended for appointment. Accordingly, his prayer is to issue an appropriate writ commanding the respondents to re-total and re-evaluate the marks obtained by him in few subjects. His further prayer is to hold the entire process of selection to have been vitiated for not following the moderate system in granting the marks.

The grievance of the petitioner is thus three fold. According to him, he filed application for retotalling of the marks but no decision has been taken. His another grievance is that although he has asked for re-evaluation of the marks, but same has also not been done. The third grievance is that the Commission while making recommendation did not follow the moderate system as approved by the Supreme Court in the case of *Sanjay Singh & Another vs. U.P. Public Service Commission & Anr., 2007 (3) BBCJ IV-153*.

Mr. Praveen Kumar No. 1 appears on behalf of the petitioner. Bihar Public Service Commission is represented by

Mr. Sanjay Pandey.

(A) ✓ As regards the grievance of the petitioner that his prayer for retotalling has not been done, we are of the opinion that in case petitioner had made any such prayer, same may be disposed of within four weeks from the date of receipt/production of a copy of this order in accordance with law.

As regards the re-evaluation of marks, Counsel for the petitioner is unable to show any rule which provides for re-evaluation of the marks. In the absence thereof, we are afraid this prayer can not be granted.

So far the grievance of the petitioner that the Commission had not adopted the moderate system for evaluation of the marks is absolutely misconceived and the reliance on the judgment of the Supreme Court in the case of **Sanjay Singh & Another** (supra) is patently misplaced. In the case of **Sanjay Singh & Another** (supra), the Supreme Court found the scaling system adopted by the Commission to be absurd. Here, nothing has been pointed out to show that the evaluation system adopted by the Commission is anyway arbitrary.

We do not find any merit in the application. It is dismissed accordingly with the direction aforesaid.

Learned Counsel for the petitioner makes an oral prayer for grant of certificate of leave to appeal to the Supreme Court.

We are of the opinion that no substantial question of law being involved in the present case, the certificate sought for is not fit to be granted. Prayer stands rejected.

Sd/r
(Chandramauli Kr. Prasad, J.)

Sd/r
(Mihir Kumar Jha, J.)

Anand

Treasury
~~Anand~~
PA
27/11/2024