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Successive Petitioner
15/1/2004

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IN THE HIGH COURT OF JUDICATURE AT PATNA
C.M.J.C.No.9371/2003
Rajal Kumar-v- The Bihar Public Service
Commission & Ors.

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The petitioner pursuant to advertisement no.22/99 filed an application for appointment to the post of Secretariat Assistant. The examination was conducted by the Bihar Public Service Commission. The petitioner was issued admit card, annexure-1 to 2. His roll no. was 304693. The petitioner appeared in the examination. The important direction was on the first page of the answer sheet. Item no.1/k is relevant and it says that at the appropriate place on the first page correct roll number be mentioned. In the answer sheet no marks of identification be given. If any such thing is done his candidature shall be cancelled. The petitioner instead of mentioning his correct roll number mentioned incorrect roll number in all the three papers. Answer sheets were evaluated. However, it was noticed that the petitioner has mentioned incorrect roll number i.e. 304693 on the first page of all the three answer sheets. The matter was considered by the Bihar Public Service Commission and it was found that the petitioner has not followed important directions mentioned on the first page of the answer sheets and as such his candidature was

cancelled vide Annexure-6 to the supplementary affidavit. Annexure-6 has been challenged in this writ petition.

A counter-affidavit has been filed in which stand has been taken that since the petitioner did not follow important directions mentioned on the first page of answer sheets and as such his candidature has been cancelled. Learned counsel for the petitioner, however, submitted that it was merely mistake and as such the order, Annexure-6, be quashed, whereas learned counsel for the Commission, however, says that the petitioner has not followed the important directions mentioned on the first page of the answer sheets and as such his candidature has been cancelled as per direction mentioned on the first page of the answer sheets.

Upon hearing learned counsel for the parties, this much is obvious that on the first page of the answer sheets important direction has been mentioned. It is relevant in this regard which says that in case of violation of the directions the candidature shall be cancelled. It is evident from Annexures-4/1, 4/2 & 4/3 of the counter-affidavit itself that the

although it was 204993. Obviously, it indicates that the direction of the Commission was not followed by the petitioner.

Therefore, I do not find anything wrong in the order, Annexure-6. Accordingly, it is dismissed.

slp
(R.N. Prasad, J)

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Sr. S. H.

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