

Patna High Court - Orders

Sarvesh Kumar vs The State Of Bihar & Ors on 9 September, 2011

IN THE HIGH COURT OF JUDICATURE AT PATNA

CWJC No.13022 of 2011

Manoj Kumar & Ors

Versus

The State Of Bihar & Ors

with

CWJC No.14130 of 2011

Chirantan Sheo

Versus

The State Of Bihar & Ors

with

CWJC No.14475 of 2011

Sanjeev Kumar & Ors

Versus

The State Of Bihar & Ors

with

CWJC No.14068 of 2011

Lalit Vijay & Ors

Versus

The State Of Bihar & Ors

with

CWJC No.14470 of 2011

Rajeev Kumar & Ors

Versus

The State Of Bihar & Ors

with

CWJC No.14874 of 2011

Ajay Kumar & Ors

Versus

The State Of Bihar & Ors

with

CWJC No.14920 of 2011

Shivendra Kumar Sinha & Ors

Versus

The State Of Bihar & Ors

with

CWJC No.14415 of 2011

Sarvesh Kumar

Versus

The State Of Bihar & Ors

with

CWJC No.14070 of 2011

Krishna Mohan Thakur & Ors

Versus

The State Of Bihar & Ors

with

CWJC No.14663 of 2011

Kumar Nitesh

Versus

The State Of Bihar & Ors

04. 09.09.2011 After hearing learned senior counsel for the petitioners and other counsels representing other petitioners in similar kind of writ applications as well as the learned senior counsel Mr. Lalit Kishore representing the BPSC, there seems to be at least some kind of unanimity that the questions which have been set by the so-called experts and the model answers given by the question setters as well as the experts do require a re-look. Instances have been pointed out in these writ applications where wrong answers have been given to the right questions or the question itself is entirely absurd to say the least. The Court need not record all those examples pointed out during the course of argument and indicated in the affidavits but the primary contention on this count cannot be brushed aside. Mere deletion of 8 questions out of 150 questions do not solve the problem as many howlers still remain.

Since it is a question of future of many a hopeful candidates and examination is being held for the 52nd to 55th batch, the Court is of the opinion that a fair opportunity should be given to one and all to compete in this examination based not only on proper declaration of the preliminary examination result but also the subsequent examination which will be conducted in furtherance to the recruitment process.

The Court, therefore, directs the Commission that they have liberty to now look for talent who can provide proper inputs by reviewing the questions and the answers already furnished either by the original experts who provided the data bank for the questions or the answers on review provided by a panel of experts. Their work, to say the least, has been far from satisfactory and in that circumstance, the Commission will have to engage people who can save further embarrassment to them on this count.

After consultation with the Commission learned senior counsel representing the Commission informs the Court that to carry out this exercise on a re-look at the questions and answers as to what is required to be retained and what is required to be deleted they need about two months time. The declaration of final position as to the cut-off etc. will be decided then as per the direction of the Court.

The time prayed for in this regard is granted to the Commission with a hope that there may not be another occasion for this Court to comment on the way the examination has been held and the result declared on this count. The final modality with regard to the final declaration of result will be dependant upon the exercise which will be carried out by the Commission and the outcome informed to this Court by way of affidavit on the next date.

Let this matter be listed in the same position on 14th of November, 2011 for further hearing in admission.

It is made clear that in view of the above contingency there may not be any occasion for the Commission to go ahead and hold the final examination at this stage. Such an assurance was also given earlier to the Court on this count.

Let a copy of this order be handed over to the advocate on record representing the BPSC for communication to the Chairman/Commission for a follow up action.

rkp

(Ajay Kumar Tripathi, J.)