

IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.9837 of 2004
RAM BILASH PRASAD YADAV SON OF BRAHMDEO
PRASAD YADAV RESIDENT OF VILLAGE GORIHARI,
P.O. KOSHI, DISTRICT NAWADAH.

Versus

1. THE STATE OF BIHAR
2. THE BIHAR PUBLIC SERVICE COMMISSION
THROUGH ITS CHAIRMAN, PATNA.
3. THE SECRETARY, BIHAR PUBLIC SERVICE
COMMISSION, PATNA.
4. THE DEPTY SECRETARY, BIHAR PUBLIC SERVICE
COMMISSION, PATNA.
5. THE CONTROLLER OF EXAMINATION, BIHAR
PUBLIC SERVICE COMMISSION, PATNA.
6. THE SECTION OFFICER, BIHAR PUBLIC SERVICE
COMMISSION, PATNA.

4 02/08/2010

According to the petitioner the action of the respondent Bihar Public Service Commission to call only twice the number of candidates against vacancy for viva voce test instead of three times from the candidates who had qualified in the written examination is stated to be discriminatory and prejudicial to the interest of the petitioner and some other candidates whom the petitioner is supposed to represent. It is in this background that the present writ application has come to be filed.

Stand of the respondents in the counter affidavit, specially in paragraph 8, is that in terms of the recruitment

rules framed and published in the Bihar Gazette on 15.4.2000, Rule 14 of Bihar Accounts Service Rules, 2000 provides for calling candidates numbering double the vacancy on the basis of marks obtained at the written examination. If rule of recruitment itself lays down the figure or the number who are to be called for viva voce test, there is no basis why the thumb rule of inviting three times the available vacancy for the same should be followed.

There is no merit in this writ application. It is dismissed.

AMIN

(Ajay Kumar Tripathi, J.)