

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4857 of 2015**

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Sonu Raj S/o Tripurari Prasad R/o Vidyarthi Pustak Bhandar at Khazanchi Road , P.S. Pirbahore, Dist. Patna.

.... .... Petitioner/s

Versus

1. The Union of India through Chairman , Staff Selection Commission, Block -12, Fourth Floor, C.G.O. Complex , Lodhi Road , New Delhi - 110504
2. Regional Director, Staff Selection Commission Northern Regional , Block No. 12, fifth floor, C.G.O. Complex , Lodhi Road , New Delhi- 110504
3. The Staff Selection Commission , (C.R.) , Allahabad. through its Chairman.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Kumar Onkar Nath, Adv & Mr. Manoj Kumar Ambastha, Adv  
For the Respondent/s : Mr. Sanjay Kumar(ASG)


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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL JUDGMENT**

2      31-03-2015              Heard learned counsel for the parties as with regard to the following relief prayed for in this writ application:-


"Commanding the respondents to produce the copy of answer sheet of the petitioner for the Combined Graduate Level (TIER-1) Examination-2014 before this Hon'ble Court."

Having regard to the fact that it is the mere speculation of the petitioner that he had done very well in the examination and ought to have qualified in the screening test conducted by the respondents, this Court



would find it difficult to either call for the answersheet or to give any relief to the petitioner only because he finds that the final selection by way of written test is going to be held on 12<sup>th</sup> of April, 2015. The submission of learned counsel for the petitioner that though he had filed the application under Right to Information Act for having his answersheet for its being compared with the model answer published by the Commission but the same also has not been supplied to him, can have only one answer from this Court that if the petitioner is aggrieved by any of the inaction on the part of the respondents under Right to Information Act, remedy for him would be before the appellate authority and not before this Court.

Learned counsel for the petitioner submits that if the petitioner ultimately is given the answersheet and is in a position to establish that he was wrongly declared to have not qualified in the preliminary/screening test, he would still be left without any remedy on account of the Scheduled written test on 12.04.2015. Such



apprehension again is not only wholly speculative but also based on no sound reasoning. The moment the petitioner would be able to establish that he was not screened though he had performed very well in the screening test as could be established by him from the copy of the answersheet to be obtained by him under Right to Information Act, if the petitioner would stand disqualified on account of any fatal error committed by the Commission, the respondent no. 3, he will definitely be entitled for his relief as is permissible in law inasmuch as merely because a candidate is wrongly declared to have failed, though he had actually passed the examination, cannot give any immunity to the selecting body by way of ignoring a genuine meritorious candidate.

That being so, this writ application subject to aforesaid observation fails and is, accordingly, dismissed.

**(Mihir Kumar Jha, J)**

Ranjan/-

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