

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1644 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 8971 of 2016**

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Nitin Kumar, son of Shri Anant Prasad, resident of Village- Hasanpur Surat, P.O.-
Patori, P.S.- Patori, District- Samastipur

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Bihar, Patna
2. Bihar Staff Selection Commission, Patna through its Secretary
3. Chairman, Bihar Staff Selection Commission, Patna
4. Secretary, Bihar Staff Selection Commission, Patna

.... Respondent/s

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Appearance :

For the Appellant : Mr. Abhinav Srivastava, Advocate
For the State : Mr. Kumar Pankaj, A.C. to S.C. 5
For the Commission : Mr. K.K. Upadhyay, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-05-2017

Seeking exception to an order dated 28.07.2016 passed
by the learned Writ Court in C.W.J.C. No. 8971 of 2016, this appeal
has been filed.

2. Appellant was a candidate who had submitted an
application for appointment on the post of Operation Theatre
Assistant. When the Bihar State Staff Selection Commission did not
issue Admit Card to the appellant, the appellant filed the writ petition
in question. The Writ Court examined various aspects of the matter,
called a Technical Expert who demonstrated the process of



submission of online application and based on the same the learned Writ Court on being satisfied that the appellant did not submit the application in accordance to the requirement of the instructions and the rule, dismissed the writ petition.

3. This order passed by the learned Writ Court is challenged before us and it is tried to be argued that the appellant had submitted the online application form after fulfilling all the requirements of the instructions and in an arbitrary and illegal manner his claim has been rejected.

4. However, on going through the detailed order passed by the learned Writ Court, we find that the learned Writ Court, to examine the issue in question, directed the Technical Expert in the office of the Staff Selection Commission to demonstrate the process of submission of the online application form and after analyzing the same in detail along with relevant document, the learned Writ Court recorded a finding to say that the appellant did not submit the application in accordance to the requirement of the prescribed procedure and not only in his case but in case of 400 other candidates, defective online application forms were rejected, dismissed the writ petition.

5. Having considered the contentions advanced and on going through the reasoned order passed by the learned Writ Court,



we find no error in the same warranting reconsideration.

6. The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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