

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1454 of 2017

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Jayant Shankar, son of Late Gauri Shankar Ojha, resident of Mohalla- Maula Bagh Ara, behind Doctor Isha Hospital, P.S. Ara Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Director, Education Department, Government of Bihar.
4. The Secretary, Bihar Staff Selection Commission, Post- Veterinary College, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Ojha
For the Respondent/s	:	Mr. Prabhakar Jha- Gp27
For Commission	:	Mr. Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 09-04-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

On behalf of the respondent Commission an evasive
counter affidavit has been filed.

Vide order dated 1.12.2017 this court has indicated
the dispute raised in the writ petition and with reference to
Annexure-3 series this court has directed the respondent
Commission to file counter affidavit but the counter affidavit
filed on behalf of the Commission is evasive.

In para-12 on behalf of the selection commission
stand was taken which reads as follows:-



“That the statement made in first half of the content of the para-8 is admitted. The allegation made by the petitioner in the second half of the para is baseless and without any substance. The petitioner had applied online under the female category as it is evident from the applied form. The candidates had been instructed that while applying online they were to submit their applications after being fully satisfied with entries and no further correction/charge would be done later on. The instruction is perpicuous in the last para of the advertisement. The petitioner has filed the application under female category and attempted to shift the bloomer on the answering respondent which is totally unreasonable and the former has cunningly sought refuse in denial”.

The issue raised in the writ petition with reference to Annexure-3 series is the admit card issued by the Commission at page 22.

Considering the totality of the facts situation of the case, the court is unable to accept the explanation filed by the Commission treating the petitioner as female, the respondents are directed to rectify the mistake and treat the petitioner as male and publish the result accordingly.

The entire exercise in this regard may be completed



by the respondents within a maximum period of 30 days from
the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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