

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.1320 of 2018**

**In**  
**Civil Writ Jurisdiction Case No.1454 of 2017**

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The Secretary, Bihar Staff Selection Commission, Post – Veterinary College,  
Patna

... .. Appellant/s

Versus

1. Jayant Shankar son of Late Gauri Shankar Ojha, resident of Mohalla-MaulaBagh Ara, Behind Doctor Isha Hospital, P.S. Ara, Nawada, District-Bhojpur.
2. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Director, Education Department, Government of Bihar.

... .. Respondent/s

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**Appearance :**

|                     |   |                                                               |
|---------------------|---|---------------------------------------------------------------|
| For the Appellant/s | : | Mr. Satyabir Bharti, Advocate<br>Ms. Prachi Pallavi, Advocate |
| For the State       | : | Mr. Shashi Shekhar Tiwary, Advocate                           |

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE PURNENDU SINGH**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 21-12-2022**

None appears for the respondent No. 1 – Jayant Shankar.

2. On 21.10.2022, following order was passed:

“This matter is heard via video conferencing.

Service of notice on respondent no. 1 be treated as  
validly served.

In order to give one more opportunity to  
respondent no. 1 relist this matter on 21.11.2022.”



3. Respondent No. 1 is a candidate for recruitment to the post of Graduate Trained Assistant Teacher post. Pursuant to the Advertisement issued in the year 2016 his candidature was not considered for selection on the score that while filling up of application form in respect of gender column, he has indicated Female instead of Male. That may be trivial error, however, candidates have been specifically given instruction in the Advertisement that if there is any error or mistake committed by candidate in that event his/her candidature would be cancelled.

4. The learned Single Judge has not appreciated the aforesaid clause imposed in the Advertisement. In other words, respondent No. 1 has violated the instructions to the candidates. Apex Court in the case of ***Union of India vs. Mahendra Singh*** vide C.A. No. 4807/2022 arising out of SLP (Civil) No. 19886 of 2019 decided on 25.07.2022 held that instructions to the candidates for any recruitment is to be followed strictly. In the light of the aforesaid decision, respondent No. 1 has not made out a case.

5. That apart even on merit the last selected candidate under General category Male has scored 497.3 marks whereas respondent no. 1 has secured 458.2 marks, therefore, even on merit respondent No. 1 has not made out a case. Accordingly,



appeal stands allowed while setting aside order of the learned  
Single Judge dated 09.04.2018 passed in C.W.J.C. No. 1454 of  
2017.

**(P. B. Bajanthri, J)**

**( Purnendu Singh, J)**

GAURAV S./-

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