

Nainsy Priya D/o- Sakest Kumar, R/o- Village- Tal, P.S.- Haspura, District- Aurangabad, Bihar- 824115.

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Secretary, Bihar Technical Service Commission, Harding Road, Bihar, Patna.

... .. Respondent/s

For the Petitioner/s : Mr. Rajnish Prakash, Adv.
For the Respondent/s : Mr. Government Pleader (17)

2 06-02-2025 Heard Learned Counsel for the petitioner and
Learned Counsel for the State.

2. The present writ petition has been filed with the following reliefs:-

(i) For issuance of a direction to the respondent authorities concerned to verify and revise the final result published on 20.12.2024 by the Bihar Technical Service Commission, Bihar, Patna published against the Advertisement No.- 01/2019, dated 08.03.2019 of Bihar Technical Service Commission, Bihar, Patna as the name of the petitioner not included in the said final merit list dated 20.12.2024 despite of having more marks than cut- off marks as determined by the 'commission' itself.

(ii) For issuance of a direction to the respondent authorities concerned to ensure



inclusion of name of the petitioner in the final result published on 20.12.2024 after making due correction in the Junior Engineer (Civil) part in 'BC- Female (35% Horizontal Reservation) in 60% open category' category of finalised list published by the Bihar Technical Service Commission, Bihar, Patna published against Advertisement No.- 01/2019, dated 08.03.2019 of Bihar Technical Service Commission, Bihar, Patna.

(iii) For issuance of a direction to the authority concerned to decide the representation dated 23.12.2024 submitted by the petitioner before the 'commission' at the earliest opportunity as subsequent steps in appointment of the selected candidates being taken by the authority concerned.

3. Learned Counsel for the petitioner submits that the petitioner has completed her diploma in June, 2019 in Civil Engineering from Asansol Institute of Engineering & Management Polytechnic, Asansol (West Bengal), affiliated from West Bengal State Council of Technical & Vocational Education. He further submits that the petitioner took admission in the said Polytechnic College in year 2016 and, thereafter, completed her study from there.

4. Learned Counsel further submits that the Bihar Technical Service Commission, Bihar (hereinafter referred as 'Commission') has published an advertisement i.e., Advertisement No.01 of 2019 dated 08.03.2019, inviting



applications for 6,379 vacancies for the post of Junior Engineer across various State departments. He further submits that the petitioner has participated in the said advertisement for the post of Junior Engineer (Civil) under Backward Category (BC) in Combined Department enclosing all the required certificates.

5. Counsel further submits that name of the petitioner has appeared and counselling date was fixed on 02.03.2021. He further submits that the schedule published on 23.11.2020 was revised on 07.12.2020 and new date of counselling was fixed *i.e.*, 08.01.2021.

6. Counsel further submits that counselling of the petitioner was taken place on 08.01.2021 and she has submitted all the relevant and requisite documents before the Commission. The Commission has issued Derived Percentage Point for each of the candidates along with Marks of Work Experience. He further submits that in the final list, the name of petitioner has not come. In spite of the fact that in the merit list, she was shown on Serial No.1204, BC (35% Horizontal Reservation) in 60% open category. He further submits that the petitioner's name has appeared in the merit list published on 02.04.2022, however, in the light of Judgment dated 19.04.2022 passed in C.W.J.C. No.7312 of 2021, the said merit list was subsequently published. He further submits that multiple writ petitions have been filed



and matter dispute travelled upto Hon'ble Supreme Court. Thereafter, the list has been changed and petitioner was shown in the said merit list, but appointment letter has not come, thereafter, the petitioner has filed representation on 23.12.2024 raising her grievances, but nothing happened. Thereafter, the petitioner has filed the present writ petition.

7. Learned Counsel for the Commission submits that the advertisement is annexed as Annexure-P/3 of the writ petition, the relevant page is 34 of the writ petition whose Clause 5 indicates about ' आरक्षण ' where Clause 5(iii) (B) clearly indicates that cast certificate and non-creamy layer (NCL) certificate along with domicile certificate were necessary to be deposited.

8. Counsel for the Commission further submits that before the Commission, only cast certificate was deposited, but NCL certificate was not deposited. He further submits that here in the writ petition, the petitioner has neither deposited cast certificate nor NCL certificate.

9. Counsel further submits that in the representation, the claim of the petitioner is not correct as it was not the final list rather it was just a merit list for calling the candidates for counselling. He further submits that in the present case, the situation is otherwise. The petitioner has filed caste certificate,



but not filed NCL certificate.

10. Counsel for the Commission put emphasis that due to non-depositing of those certificates according to Clause 5 (iii)(B) of the Advertisement, the candidature of the petitioner has been treated in general category and it is due to this reason, the petitioner could not be selected and hence, the petitioner has no merit at all. He further submits that for general female category, cut-off marks is 59.2813 and the petitioner has obtained only 52.8 marks.

11. Upon specific query from the counsel for the petitioner that why caste certificate and NCL certificate has not been attached in the writ petition. He kept mum in this regard.

12. In the present facts and circumstances, this Court has no option, but to dismiss the writ petition as the Commission has explained entire situation under which the case of the petitioner has not been considered.

13. With the aforesaid direction, the present writ application stands dismissed.

(Dr. Anshuman, J.)

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