

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4500 of 2020

Chandani Kumari, Daughter of late Jitendra Kumar, Resident of Mohalla-
Rajendra Path, Mirchaiya Gali, Tel Bigha, Near Yodharam School, P.S.
Kotwali, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home (Police) Department, Government of Bihar, Patna.
2. The Chairman, Bihar Police Sub Ordinate Service Commission, Santosh Mission, B-Block Near RPS Law College, Raghunath Path, Danapur, District- Patna- 801503
3. The Secretary, Bihar Police Sub Ordinate Service Commission, Santosh Mission, B-Block Near RPS Law College, Raghunath Path, Danapur, District- Patna- 801503
4. The Special Executive Officer, Bihar Police Sub Ordinate Service Commission, Santosh Mission, B-Block Near RPS Law College, Raghunath Path, Danapur, District- Patna- 801503

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sinha, Advocate Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s	:	Mr. Manoj Kumar, AC to GP-4
For the BPSSC	:	Mr. Vivek Anand Amritesh, Adv. Mr. Sanjay Pandey, Advocate Mr. Nishant Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 21-04-2025

Heard the parties.

2. The petitioner was one of the aspirants of the post of Assistant Sub-Inspector under the Advertisement No.1/2018. Notwithstanding, the petitioner having been declared successful in the physical test as well as written examination, on account of a technical mistake occurred in the application form, inasmuch



as, in the category column, the category was mentioned as BC in place of EBC, her candidature came to be rejected vide order dated 31.12.2019 passed under letter no.1485 by the Special Executive Officer, Bihar Police Sub Ordinate Services Commission (for short 'the Commission').

3. Learned Advocate for the petitioner vehemently submitted that it is the admitted position that the petitioner not only successfully cleared all the written examination, rather she also passed physical test and, as such, at the stage of final publication of result, cancellation of her candidature on account of a technical mistake is not only unjustified and improper but the same will put her entire career at jeopardy. Moreover, the petitioner belongs to Extremely Backward Category and she mistakenly filled up her form by showing her caste under the category of BC; had the petitioner been rightly mentioned her category, she would have been certainly extended more benefit; hence, it cannot be said to be a misrepresentation and fraud. In such circumstances, the technical mistake, either ought to be ignored or the petitioner may be given a chance to make the necessary correction, but the same has not been done. It is also the contention of the petitioner that the mistake was a *bona fide* and it was not such an error which could not be corrected rather



it was a curable defect. Hence, the candidature of the petitioner was fit to be considered under the EBC category after curing the defect.

4. Mr. Vivek Anand Amritesh, learned Advocate for the Commission has drawn the attention of this Court to the Advertisement, especially Clause-6 thereof and submitted that there is categorical stipulation that in case any applicant in place of his/her category mentioned some other category, his/her candidature would be rejected. Nonetheless, in case of any *bonafide* mistake, while submitting the application, the same could have been rectified and for which a specific provision was also prescribed but the same has not been done. He has further taken this Court through the order passed by a learned Division Bench of this Court in the case of **The Chairman, Bihar Police Sub-ordinate Services Commission and Another v. Dolly Kumari and Others [L.P.A. No. 46 of 2022]** and strenuously submitted that identical issue has come up for consideration before the learned Division Bench of this Court, wherein the learned Court has opined that “*the term of the Advertisement being absolutely clear, the petitioner having filled up her wrong category i.e. BC in place of EBC, her application was liable to be rejected and she was rightly not permitted to participate*”



further in the selection process". The learned Division Bench further held that the Single Judge has committed an error, even in allowing the application of the petitioner in part by directing the Commission to consider the petitioner's candidature under the General Category.

5. Having heard the learned Advocate for the respective parties and after going through the decision rendered by the learned Division Bench of this Court in L.P.A. No.46 of 2022, this Court finds that the identical issue involved in the present writ petition came to be discussed and deliberated in the light of the exactly identical specific stipulation under Clause-6 of the Advertisement No.1/2019, which clearly warns the applicant to ensure themselves at the category of caste that they belong to. It is the admitted position that the petitioner has wrongly furnished her category and thus in terms of Clause-6 of the Advertisement No.1/2018, the candidature of the petitioner came to be rejected.

6. It has also been informed to this Court that upon publication of the final select list, recommendation was also made and the entire process of selection came to an end; all the more, pursuant to the direction of this Court in C.W.J.C. No. 21309 of 2019, the claim of the petitioner was duly considered



and rejected by the competent authority.

7. In view thereof, this Court does not find any merit in the present writ petition. Accordingly, it stands dismissed.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22-04-2025
Transmission Date	

