

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16105 of 2025

Dr. Gaurav Kumar, S/o Rajesh Kumar, Resident of Village- Mehndi, P.S.-
Supouli, District- Purnea.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate Mr. Indrajeet Kumar, Advocate
For the State	:	Mr. Yogendra Prasad Sinha, AAG-7
For the BTSC	:	Mr. Nikesh Kumar, Advocate Mr. Akshansh Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 05-12-2025 1. The petitioner has challenged the order of his non-selection on the post of Specialized Medical Officer on the ground that his work experience was not calculated and he was not given requisite weightage, which ought to be added with the marks he obtained in the written test and final selection list ought to be published.

2. In support of his contention, the learned Advocate for the petitioner refers to page 30 of the writ petition which is a copy of online application. In the column of “contractual work experience”, he recorded that he was working on contractual basis as a “Specialist Medical Officer (Ophthalmology) in the



State Health Society, Bihar” from 3rd of February, 2023 till 4th of March, 2025, i.e., total experience of 2 years, 1 month and 2 days.

3. The learned Advocate appearing on behalf of the Respondents, on the other hand, refers to page 31 of the writ petition and draws my attention that the petitioner did not file contractual experience certificate in his online application.

4. By way of supplementary affidavit, the petitioner file an experience certificate, issued on 25th of March, 2025, by the Civil Surgeon and Chief Medical Officer, Araria to him.

5. On the contrary, the learned Advocate on behalf of the Bihar Technical Service Commission submits that the petitioner filed online application on 26th of March, 2025 and the said certificate was obtained on 25th of March, 2025. Had the petitioner been in possession of the experience certificate, he could have mentioned the same in the online application itself, which was filed by the petitioner after the receipt of experience certificate.

6. The learned Advocate appearing on behalf of the Bihar Technical Service Commission further submits that Clause-13 of Advertisement No. 12 of 2025 clearly mandates that the applicant shall fill in all the entries carefully in online



application and he shall not be entitled in future to make any change or rectification in online application. If the online application is rejected due to some technical fault, the Commission shall not be responsible to give reply to the candidate and the candidate shall abide by the decision of the Commission. No application for rectification of online application shall also be considered by the Commission.

7. In the instant case, the petitioner has not come with any rectification of online application. It is the case of the petitioner that in online application, he stated his contractual experience in the specific column, but he failed to deposit / file the supporting document. Now, he has filed the instant writ petition, placing the supporting document for consideration. The prayer made by the petitioner does not hit Clause-13 of the advertisement.

8. In my considered view, technicalities cannot be a stumbling block against substantial justice. The learned Advocate appearing on behalf of the Technical Service Commission does not made any submission that the experience certificate submitted by the petitioner vide Annexure-P/7 of the supplementary affidavit was falsely obtained or is a forged and false document. Genuinity of the said certificate, dated 25th of



March, 2025, has not been challenged. Therefore, this Court is of the view that Annexure-P/7 ought to be taken into consideration by the Bihar Technical Service Commission in determining the final result of the petitioner.

9. For the reasons stated above, the instant writ petition is disposed of, directing the writ petitioner to submit a representation along with a copy of the experience certificate, dated 25th of March, 2025, to the concerned authority of Bihar Technical Service Commission. The Commission shall consider the same and come to a decision as to whether, the petitioner is entitled to get any weightage or not and pass a reasoned order in this regard, followed by information to the petitioner.

10. The instant writ petition stands disposed of, accordingly.

(Bibek Chaudhuri, J)

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