

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5598 of 2024

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Suman Daughter of Sidheshwar Prasad Sinha Resident of Mohalla- R M S Colony, Road No. 1B, Kankarbagh, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
2. The Chairman, Bihar Technical Service Commission, Harding Road, Rajbansi Nagar, Patna- 800015.
3. The In-charge Secretary, Bihar Technical Service Commission, Harding Road, Rajbansi Nagar, Patna.
4. The Special Secretary Cum Controller of Examination, Bihar Technical Service Commission, Harding Road, Rajbansi Nagar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate
For the Respondent/s : Mr.Nikesh Kumar, Advocate
Mr. Akshansh Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 10-02-2026

Heard learned counsel appearing for the petitioner,
learned counsel appearing for the State, and learned counsel
appearing for the Bihar Technical Service Commission.

2. Learned counsel appearing for the petitioner
submits that the present writ petition has been filed seeking
appointment of the petitioner to the post of Medical Officer
(Homeopathic) pursuant to Advertisement No. 06/2020 issued
by the Bihar Technical Service Commission and published on



28.09.2020. It is submitted that the petitioner secured 42.4440 marks in the OBC category, whereas the cut-off marks for the said category were fixed at 41.028, which is lower than the marks obtained by the petitioner.

3. Learned counsel for the petitioner further submits that the petitioner applied online for the post of Homeopathic Medical Officer under Advertisement No. 06/2020 as an OBC category candidate on 24.10.2020 from Lucknow, where her husband was posted in Railway service. It is further submitted that due to the Covid-19 pandemic, movement was restricted by Government policy.

4. Learned counsel for the petitioner further submits that the petitioner possessed all the requisite qualifications for the said post. It is submitted that the petitioner applied under the Backward Class category on the basis of a certificate issued by the S.D.O., Patna Sadar. The merit list was prepared on the basis of academic performance, and the petitioner was shortlisted for counselling under the Backward Class category. Despite securing 42.444 marks, which is higher than the prescribed cut-off of 41.028, the petitioner was not selected. It is further submitted that the petitioner fulfilled all the eligibility criteria, yet her name did not appear in the final



result.

5. Learned counsel appearing for the Bihar Technical Service Commission has raised objections to the writ petition and submits that although the petitioner participated in the selection process pursuant to the advertisement, she failed to fulfill the conditions prescribed under Clause-9 of the advertisement. According to the said clause, certificates relating to educational qualifications were required to be issued prior to 28.10.2020, which date was subsequently extended till 17.12.2021. It is further submitted that as per Clause 5(iii)(B) relating to reservation, certificates regarding caste, creamy layer, domicile, and female candidature were required to be submitted in the name of the petitioner's father, in accordance with law.

6. Learned counsel further submits that the petitioner failed to submit the requisite certificates within the time stipulated in the advertisement. It is contended that there has been gross violation of Clause 5(iii)(B) as well as Clause-9 of the advertisement, and for this reason, the petitioner could not be selected and was treated under the general category.

7. In light of the submissions made by the parties, it is apparent that there is a clear deficiency in compliance with the conditions prescribed under Clause 5(iii)(A)(ix) of the



advertisement. Therefore, this Court refrains from entertaining the present writ petition.

8. Accordingly, the writ petition stands dismissed.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	11/02/2026
Transmission Date	NA

