

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7900 of 2025

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Aditya Kumar S/o- Sri Chandradeo Rajak, R/v- Purandarpur, Mahavir
Mandir, P.O.- Ekangarsarai, P.S.- Ekangarsarai, Distt.- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief secretary, Government of Bihar, Patna.
2. The Secretary, Bihar Technical Service Commission, 19- Harding Road, Patna.
3. The Incharge Secretary, Bihar Technical Service Commission, 19- Harding Road, Patna.
4. The Deputy Secretary, Bihar Technical Service Commission, 19- Harding Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Sinha, Adv.
For the Respondent/s	:	Mr. Nikesh Kumar, Adv.
		Mr. Praveen Tewari, Adv.
For the State	:	Mr. Prashant Pratap, GP2

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-04-2026 Heard Learned Counsel for the petitioner, learned

Counsel for the State and learned counsel for the Bihar

Technical Service Commission.

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

*1. That this writ application has been
filed on behalf of the for issuance of an petitioner
writ/ writs/ order/ orders appropriate commanding/
directing the respondents to make correction from
Scheduled Tribes Category to Scheduled Caste
Category in the application form bearing
Application No.- BR001010229500001272 filed*



up by the petitioner by online in Advertisement No.- 01 of 2019 published by the Bihar Technical Service Commission, Patna for the post of Junior Engineer (Civil) 60% open category and directed the respondents to publish the result of the petitioner in Scheduled Caste Category in place of General Category after quashing of the final merit list issued by the Incharge Secretary, Bihar Technical Service Commission, Patna vide letter no.- 3896 dated 20.12.2024 the Annexure-10 of the petition.

3. Learned counsel for the petitioner submits that Advertisement No.01 of 2019 has been published for the appointment of Junior Engineer (Civil/Mechanical/Electrical) for which petitioner has submitted his online application form, but by mistake, the category was wrongly inserted as Scheduled Tribe (ST) category in the form dated 07.04.2019 in place of Scheduled Caste category. Upon realizing that wrong form has been filled up, then the petitioner came into action just within 3 days and made correction as SC category. A copy of the caste certificate was inserted and deposited in the office of Bihar Technical Service Commission, Hoarding Road, Patna on 10.04.2019.

4. Counsel further submits that after filing of the application for correction, the petitioner was called for



counseling on 23.12.2020 in which petitioner has made the tick mark correctly in the checklist form. But subsequently, the petitioner has found that status of the candidature of the petitioner on 27.03.2021 has been made in General category and percentage point was given from the certificate of 49.97% and marks of work experience was given of 25% and total combined point was given 74.97%, but category was not considered in the scheduled caste rather it was considered in the General category. The petitioner has filed a representation before the authority concerned, but no action has been taken and finally, the merit list was published on 02.04.2022 vide letter No.636 in which petitioner was not considered.

5. Counsel further submits that the Secretary, Bihar Technical Service Commission was given another petition on 06.04.2022 by the petitioner and requested to correct the caste from ST category to SC category. But the Bihar Technical Service Commission had published the final merit list of 60% open category of the Junior Engineer (Civil) without correction of the caste of the petitioner vide letter No.3896 dated 20.12.2024 and the petitioner was not shown qualified as he was treated as General category in place of SC category whereas in the SC category, the cut off marks is 56.456%. Thereafter, the



petitioner has filed the present writ petition with the said reliefs.

6. Learned counsel for the Bihar Technical Service Commission opposes the relief prayed in the writ petition and submits that it is admitted by the petitioner that in the original form, he has filled up as ST category in place of SC category. He further submits that in the advertisement, the specific Clause 5(viii) has been mentioned in which it has been contended that according to Memo No.16144 dated 28.11.2012 issued by General Administration Department, the category of reservation shall not be changed during appointment process.

7. Counsel further submits that according to Clause 14 of the said advertisement, it has already been warned that the applicant at the time of filling-up the online form be careful as any change in future, shall not be accepted and for any wrong, the Commission shall not be responsible rather for any adverse result, the applicant shall be responsible for the same.

8. Counsel further submits that inspite of the specific direction made in paragraph 5(viii) and Clause 14 of the said advertisement, the mistake has been done by the petitioner. He further submits that there is no locus for the petitioner to raise such type of correction and therefore, the present writ petition is not maintainable.



9. Counsel further submits that the result which has been published in the year 2022, has already been scrapped in the light of decision made by this Hon'ble Court and subsequently, final result has been published in the year 2024 in which the case of the petitioner was duly considered in the light of his filled-up online form as ST category, but subsequently, claim himself as SC category. It is due to this reason, his candidature has been considered under General category. He further submits that the petitioner got 74.97% in the said examination, but the cut-off marks is 78.91% in the general category.

10. In support of his argument, counsel relied on judgment passed in case of **Dr. Gangadhar Giri Vs. the State of Bihar & Ors.** in **C.W.J.C. No.4414 of 2024**, passed on **10.02.2026** and submits that since the petitioner has not filled-up the online form according to the guidelines made in the advertisement and this Hon'ble Court has refused to entertain the same and dismissed the writ petition.

11. After hearing the parties, it transpires to this Court that admittedly, the petitioner at the time of filling-up the form, has violated the terms of 5(viii) and Clause 14 of the said advertisement and he was not cautious at the time of filling-up



the online application form and instead of inserting SC category, he has inserted ST category and there is special warning in those clauses which states as follows:-

5. आरक्षण:-

viii) सामान्य प्रशासन विभाग के ज्ञापांक- 16144, दिनांक- 28.11.2012 के आलोक में नियुक्ति प्रक्रिया के बीच आरक्षण कोटि में सुधार/बदलाव नहीं किया जा सकता है।

14. आवेदक द्वारा ऑनलाइन आवेदन में सभी प्रविष्टियाँ सावधानी से भरी जायेगी। भविष्य में आवेदन में किसी प्रकार का परिवर्तन/सुधार मान्य नहीं होगा। किसी भी प्रकार की त्रुटि हेतु आयोग उत्तरदायी नहीं होगा एवं कोई भी प्रतिकूल परिणाम हेतु आवेदक स्वयं जिम्मेवार होंगे।

12. Upon perusal of the said judgment on which counsel relied in the case of **Dr. Gangadhar Giri (supra)** whose Paragraphs 14 and 15, are relevant to quote which states as follows:-

14. Upon the basis of the discussions made, it transpires to this Court that the petitioner has not filled up his application form in the light of advertisement and granting relaxation to the petitioner in the present case shall definitely create a problem in future, as, such type of mistake shall open a Pandora box for the Commission and a fresh litigation will be started.

15. Therefore, this Court is of the firm



*view that the application of the petitioner was not filled up as per Clause 5(iv), 5(viii) and 14 of the advertisement and in the light of judgments rendered in case of **Chandni Kumari (supra) & Bedanga Talukdar (supra)** mentioned above, such change shall not be permissible. Hence, this writ petition stands dismissed.*

13. In this view of the matter, this Court finds that the petitioner was reluctant at the time of submitting his application form about which a clear cut instruction was made in the advertisement. As such, this Court is not inclined to interfere, and hence, dismiss the present writ petition.

14. With the aforesaid directions and observations, the present writ application stands dismissed.

(Dr. Anshuman, J)

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