

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5719 of 2026

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Nishant Deep Son of Upendra Prasad Yadav, Resident of Village Husaina, PS Barari, District Katihar at present resident of Guru Bazar, PS Barari, District Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. The Chairman, Bihar Technical Service Commission, 19, Harding Road, Patna.
4. The Secretary, Bihar Technical Service Commission, 19 Harding Road, Patna.
5. The Additional Secretary, Bihar Technical Service Commission, 19, Harding Road, Patna.
6. The In-Charge Secretary, Bihar Technical Service Commission, 19, Harding Road, Patna.
7. The Bihar Technical Service Commission, 19, Harding Road, Patna through its the In-Charge Secretary, Bihar Technical Service Commission, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Akhauri Kamal Kishore Sahay, Adv.
For the Respondent/s	:	Mr. Ravi Kumar, AC to GP13
		Mr. Akshay Lal Prasad, AC to GP13
For the BTSC	:	Mr. Nikesh Kumar, Adv.
		Mr. Bijoy Choubey, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 15-06-2026 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:-

(i) To issue a writ/writs, order/orders, direction/ directions in the nature of mandamus



upon the respondent authorities particularly respondent No. 3 to 7 to allow him and fixed the further date of verification of documents of the petitioner on the post of "Dentist" as per necessary information issued in file No.35 dated 06.01.2026 vide Annexure-P/8 of the writ application.

(ii) To issue any other writ/writs, order/orders, direction/directions for which the petitioner is entitled too.

3. Learned counsel for the petitioner submits that the petitioner had appeared in the Advertisement No.20/2025 for appointment on the post of Dental doctor. He further submits that as per Annexure-P/8 of the writ petition, all persons come within the category of dependent of *Swatantra Senani* has to be called for, but the petitioner inspite of the candidate of dependent of *Swatantra Senani* has not been called for.

4. Counsel further submits that the decision taken by the Commission is in gross violation of Annexure-P/8 issued by the Bihar Technical Service Commission.

5. Counsel further put emphasis that one of the EBC category candidate who obtained 26.78 % marks, which is less than 30 % (minimum qualifying marks), has been called for document verification, but the petitioner inspite of obtaining 23.758 % marks, has not been called for.

6. Counsel for the Bihar Technical Service



Commission, on the other hand, submits that the petitioner has submitted a wrong interpretation of law. He further submits that Annexure-P/6 of the writ petition is the score card of the petitioner from which it becomes crystal clear that the petitioner's obtained marks was 96.9697 out of 400 marks and his normalised score was 95.0322. He further submits that as per Clause 5(ii)g of the said Advertisement, it has categorically mentioned that in the competitive examination, if any candidate shall not obtain the minimum cut-off marks, then in that case, he shall not be entitled for any demand as per his categorisation.

7. Counsel for the Commission specifically submits that the petitioner could not obtain the basic minimum cut-off marks and only due to this reason, the petitioner has not been called for document verification. He further submits that Annexure-P/8 is applicable only when the candidate fulfills the criteria by way of obtaining the minimum cut-off marks.

8. Counsel for the Commission relied on the judgment passed by this Hon'ble Court in case of **Anil Kamal & Ors. Vs. The State of Bihar & Ors.** in **C.W.J.C. No.2937 of 2026** dated 21.04.2026 whose paragraph 10 is very much relevant and submits that this issue has already been decided by this Hon'ble Court and in the light of the submissions made, the petitioner is



not entitled for any relief.

9. Upon hearing the parties, it transpires to this Court that the methodology of calculation has already been mentioned in Clause 5(i) of the said Advertisement, according to which the obtained marks has to be multiplied by 0.75 marks on the basis of which merit has to be prepared.

10. It transpires to this Court that the basic marks according to Clause 5(i) of the said Advertisement for the petitioner is lesser than the cut-off marks. As such, this Court is not convinced with the argument made by counsel for the petitioner, and hence, the present writ petition is hereby dismissed.

(Dr. Anshuman, J)

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