

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8636 of 2025

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Shashi Bhushan Kumar son of Kishori Prasad Yazad, Resident of Village-
Gongri Par, P.O.- Hargawan, P.S.- Manpur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna
3. The Bihar Technical Service Commission, Through its Secretary, Bihar, Patna.
4. The Secretary, Bihar Technical Service Commission, Bihar, Patna
5. The In-Charge Secretary, Bihar Technical Service Commission, Patna.
6. The Deputy Secretary, Bihar Technical Service Commission, Bihar, Patna,
7. Shashi Kumar, Son of Soharai Mahto, Having Registration No. BR00150010058321 selected under Backward Class (BC) Category Physically Handicapped (OH) for the post of Junior Engineer against the Advertisement No. 01 of 2019 under 40 percent BH Category.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Karandeep Kumar, Advocate
For the State	:	Mr. Ajay Behari Sinha, GA-8
For B.T.S.C.	:	Mr. Nikesh Kumar, Advocate
		Mr. Mukund Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 27-04-2026 Heard learned counsel appearing for the petitioner,

learned counsel appearing for the State and learned counsel

appearing for the Bihar Technical Service Commission.



2. The petitioner has filed the present writ petition for the following relief/s :-

“For quashing the letter as contained in Letter No.-3896 dated 20.12.2024 so far affect the right of the petitioner issued under the signature of the In-charge Secretary, Bihar Technical Service Commission, Patna whereby and where under the final selection list in regard to selection of candidates for appointment to the post of Junior Engineer in different Departments of the state of Bihar pursuant to the Advertisement bearing Advertisement No.- 01 of 2019 has been published in which the petitioner has not been selected in the category of reservation of physical handicapped.

(ii) Also for quashing the letter as contained in Letter No. 549 dated 11.02.2025 so far affect the right of the petitioner, issued under the signature of the In-charge Secretary, Bihar Technical Service Commission, Patna whereby and where under further 30 candidates has been recommended for selection to the post of Junior Engineer against Advertisement No. 01 of 2019 in which the name of the petitioner has not been figured.

(iii) Also for directing the authorities to select the petitioner on the post of Junior Engineer (Civil) against the Advertisement No. 01 of 2019 in reserved category of Disability Quota.

(iv) Also for directing the respondent to declare fresh result of the candidate by selecting the petitioner on the post of Junior Engineer (Civil) against the Advertisement No. 01 of 2019 under the persons with disability quota which is remain vacant post.

(v) And for grant of any other relief (s) for which petitioner is found to be entitled in view of the facts and circumstances of this case.”



3. Learned counsel appearing for the petitioner submits that the sole ground on which his case was rejected is that, as per the certificate, he was assessed to have 42% permanent physical disability; however, this aspect has been completely ignored by the respondents.

4. Learned counsel appearing for the Bihar Technical Service Commission, on the other hand, submits that prior to the publication of the final result, and in order to prevent any fraud, the disability of all differently-abled candidates was examined by a Medical Board constituted by the Commission. The petitioner appeared before the said Medical Board, which assessed his disability at 15%. It is only on this basis that the respondent did not accept the disability certificate issued by the Civil Surgeon, Nalanda.

5. After hearing the parties and upon perusal of the statutory provisions under the Right of Persons with Disabilities Act, 2016, this Court finds that the Commission conducted a medical examination twice firstly by Medical Board and thereafter at IGIMS, Patna, wherein the petitioner did not meet the benchmark disability of 40%. Consequently, he was not considered under the OH category. It further appears that the petitioner secured a total of 52.1039 marks, whereas the cut-off



marks for the unreserved category under Junior Engineer (Civil) (40% OH category) was 58.7667. As such, the petitioner was not recommended for selection.

6. In the aforesaid circumstances, this Court finds no ground to interfere in the present writ petition.

7. Accordingly, the present writ petition stands dismissed.

(Dr. Anshuman, J)

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