

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13232 of 2025

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Arun Kumar Roy Son of Lalan Roy, Resident of Village- Basaul, P.O. Balha,
P.S. Kusheshwar Asthan, District- Darbhanga, Bihar, Pin Code- 848209.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Secretary, Bihar Public Service Commission, Govt. of Bihar, Patna.
4. The Director, Higher Education, Education Department, Govt. of Bihar, Patna.
5. The District Education Officer, Darbhanga, Bihar.
6. The Principal, Uchcha Madhyamik Vidyalaya Arai Birdipur, Prakhanda-Singhwara, District- Darbhanga, Bihar.
7. Shanidev Kumar Mandal (Roll No. 703293), through Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg, Bailey Road, Patna-800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Sr. Adv. Mr. Pratik Raj, Adv.
For the Respondent/s	:	Mr. Ravi Kumar, AC to GP-13 Mr. Akshay Lal Prasad, AC to GP-13
For the BPSC	:	Mr. Rajni Kant Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 03-02-2026

Heard Mr. Ashish Giri, learned Senior Advocate through the virtual mode representing the petitioner alongwith Mr. Prateek Raj, learned Advocate. The State is represented through Mr. Ravi Kumar, learned Advocate, whereas Mr. Rajni Kant Singh, learned Advocate appears on behalf of the Bihar Public Service Commission.

2. The grievance of the petitioner is confined to the



extent that on account of an inadvertent mistake at the time of submission of the application, for appointment to the post of Teacher, instead of giving gender male, it has been mistakenly mentioned as gender female and since there was no provision for editing the on-line application, the same stands continued even till issuance of the appointment letter to the petitioner and only due to such reason the petitioner has not been allowed to join. In the aforesaid premise, the petitioner has invoked the jurisdiction of this Court for the following reliefs:-

“i) To issue a writ/order/direction in the nature of mandamus directing the Respondent Authorities to revise the earlier joining letter of petitioner for School Teacher (11-12th) issued to him vide Letter No. DAR/ADV-22/2024/SPL/GT(11-12)/9480435 by District Education Officer, District- Darbhanga, dated 10.05.2025 under Bihar Public Service Commission's Teacher Recruitment Examination 3.0 ("TRE 3.0") vide Advertisement No. 22/2024 dated 07.02.2024 by treating the petitioner under Male-EBC category instead of Female-Unreserved and thereafter immediately allow petitioner to discharge his services in the school he is entitled to. (Annexure-P14..Pg129..).

ii) To issue a writ/order/direction in the nature of mandamus directing the



Respondent Authorities to revise the earlier Provisional Appointment Letter of the petitioner for School Teacher (11-12th) issued by District Education Officer, District- Darbhanga vide Letter No. DAR/ADV-22/2024/PAL/(11- 12)/6536029 dated 09.03.2025 under Bihar Public Service Commission's Teacher Recruitment Examination 3.0 (TRE 3.0) vide Advertisement No. 22/2024 dated 07.02.2024 by treating the petitioner under Male-EBC category instead of wrongly mentioned Female-Unreserved category.

iii) To pass ex-parte/ad-interim relief during the the respondent authorities from filling pendency of this writ application restraining complete vacancy under BPSC TRE 3.0 issued vide Advertisement No. 22/2024 dated 07.02.2024 and keeping one seat vacant for petitioner in view of petitioner's rightful cause of action.

iv) To hold and declare that the Respondent Authorities are duty bound to complete the process of joining of Petitioner as School Teacher under BPSC TRE 3.0 Examination.

v) To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”

3. Briefly stated, the petitioner having possessed requisite qualification applied for appointment to the post of



school teacher in terms with captioned Advertisement No. 22/2024 and appeared in Bihar Public Service Commission's Teacher Recruitment Examination 3.0 (TRE 3.0). However at the time of submission of application through online, due to inadvertent error, the petitioner in the gender column had mistakenly entered as female instead of male. There was no issue regarding other information, besides the caste to which the petitioner belonged i.e. Extremely Backward Class and it was rightly submitted by the petitioner in the online application. Alongwith the application form, the petitioner has also submitted the Aadhaar Card and other necessary documents, which clearly suggest that the petitioner is a male. However, having come to know about the inadvertent error in the gender, he immediately filed a representation before the Bihar Public Service Commission on 27.02.2024, requesting therein to amend the error made regarding selection of gender.

4. Having found no response, the petitioner also filed a follow-up representation, yet again, no response has been made. In the meanwhile, the admit card of the petitioner was issued and thus, the petitioner was of the opinion that his candidature has been accepted as a male and accordingly, he appeared in the examination and finally declared as successful.



The name of the petitioner finds at serial no. 441, however, again in the merit list the gender of the petitioner was shown as female, instead of male. The petitioner immediately filed another representation for making necessary correction, but to no avail. Thereupon, the petitioner was called for document verification on 04.02.2025 with all the requisite documents in original. Upon verification of Aadhaar Card as well as Pan Card and other documents, the certificate of successful completion of document verification was issued, the same is also marked as Annexure P/12. The appointing authorities on being duly satisfied, issued a provisional appointment letter bearing no. 6536029 dated 09.03.2025(Annexure P/13). But this time again the category of the petitioner has been mentioned as female category falling under General (Unreserved). In pursuance of the appointment letter the consequent joining letter was also issued bearing no. 9480435 dated 10.05.2025 (Annexure P/14). However, when the petitioner reached to the concerned school and submitted his joining, the same was not accepted on the ground of the error in the allotted category.

5. Learned Senior Advocate adverting to the aforesaid facts contended that in fact, after having been declared successful in the TRE-3 examination, the petitioner tendered his



resignation from the post of Exclusive Teacher and the same was duly accepted by the Principal of the said school, which was necessary for submission of the joining against the post of School Teacher (11-12th). The action of the respondents in not accepting of the joining of the petitioner based on an inadvertant error even after duly qualifying the examination is not only arbitrary, perverse and illegal but violative of Article 14 and 16 of the Constitution of India. The mistake which has been occurred at the time of filling up the online application, does not go to the root of the eligibility of the candidature of the petitioner. To bolster the submission, heavy reliance has been placed on a decision rendered by the Apex Court in the case of *Vashist Narayan Kumar vs. State of Bihar & Ors.* reported in *2024 Live Law SC 1*. Referring thereto, it is submitted that if error in any of the application is trivial which did not play any part in the selection process, the State was not justified in making a mountain out of this mole hill. The petitioner should not be penalized for his insignificant error which made no difference to the ultimate result; all the more, in a case where petitioner has successfully passed the examination and chased the cut-off marks.

6. Learned Senior Advocate further contended that



admittedly the petitioner has been awarded 75 marks and the cut-off marks for EBC was only 68; nonetheless the petitioner was denied from joining service as School Teacher on the ground that his appointment/joining letter mentioned his category as “Female-UR” category instead of “Male EBC” category.

7. On the other hand, learned Advocate for the Commission refuting the afore-noted contention submitted that admittedly the petitioner while submitting online application has entered as female instead of male in the gender column and since there is no provision for editing the online application form, as is also evident from Note – (ii) of Para 9 of the Advertisement, the Commission has acted as per the rules and regulations formulated by the State Government. Now the selection process has already been completed, strictly adhering to the terms and condition of the advertisement no. 22/2024 in a fair and transparent manner, thus no rectification can be made. Referring to the averments made in the counter affidavit, he thus prays for dismissal of the writ petition.

8. This Court has heard the learned Senior Advocate/Advocates for the respective parties and also perused the materials available on record. The facts are not in dispute



that the petitioner has successfully cleared the examination and secured more marks than the last cut-off score secured by the male-EBC candidates. The materials available on record clearly suggest that at the time of document verification, the petitioner has submitted Aadhaar/Pan Card, besides all the academic documents regarding his qualification and all of them have been found to be correct, based upon which the provisional appointment letter as well as joining letter have been issued. At the time of verification of certificates no objection, either regarding category or gender has been raised; rather the authorities on being satisfied issued the provisional appointment and joining letter. The error which has occurred on the part of the petitioner at the time of filling up the online application, cannot be in any manner said to be a move to get any undue benefit. *Prima facie*, it appears to be an inadvertent mistake which should be rectified. Since there was no provision for editing in the online application form, the petitioner has immediately filed representation as well as reminders at all the stages for correction of the error, but the same could not be done, as there was a clear stipulation in the advertisement, specially in Note – (ii) of Para 9.

9. In the afore mentioned premise, it would be



pertinent to take note of the decision rendered in the case of ***Vashist Narayan Kumar (supra)***. The Hon'ble Supreme Court, while considering a case where a student has mistakenly given an incorrect date of birth and was thereby resultantly ousted from the zone of consideration, the Court held that it is a trivial error in an application which plays no part in the selection process and taking into account the facts and circumstances of the case, allowed the appeal. It would be apt and proper to encapsulate paragraph no. 19 of the decision of the ***Vashist Narayan Kumar (supra)*** which reads as follows:-

“19. In this case, the appellant has participated in the selection process and cleared all the stages successfully. The error in the application is trivial which did not play any part in the selection process. The State was not justified in making a mountain out of this molehill. Perhaps the rarefied atmosphere of the cybercafe, got the better of the appellant. He omitted to notice the error and even failed to avail the corrective mechanism offered. In the instant case, we cannot turn a Nelson's eye to the ground realities that existed. In the order dated 22-11-2021 in Prince Jaibir Singh v. Union of India [Prince Jaibir Singh v. Union of India, (2024) 11 SCC 793] , this Court rightly observed that though technology is a great enabler,



there is at the same time, a digital divide.”

10. Undisputedly, there was an inadvertent mistake at the time of filing of the online application and the gender of the petitioner has been mistakenly mentioned as female instead of male and for rectification of which the petitioner has filed several representation and approached before all the authorities concerned, but the same could not be done because of the stipulations made in the advertisement, however this fact cannot be ignored, the petitioner has been allowed to appear in the examination and he successfully passed; had the candidature of the petitioner not been valid, he should not have been allowed to appear in the examination. Once the petitioner was allowed to appear in the examination where he successfully passed and secured much above the cut-off marks under the Male-EBC category and consequent whereupon the appointment letter as well as joining letter has also been issued, the joining of the petitioner cannot be denied on account of such trivial mistake as occurred at the time of submission of the application form.

11. In view thereof, this Court finds substance in the present writ petition, accordingly the same stands allowed.

12. The District Education Officer, Darbhanga, Bihar is directed to look into the matter and issue a revised joining



letter of the petitioner for School Teacher (11-12th) in terms with his merit position under appropriate category in an appropriate school preferably within a period of four weeks’ from the date of receipt/production of a copy of this order.

13. The writ petition stands allowed.

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.02.2026
Transmission Date	NA

