

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16895 of 2024

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Sudha Singh, Daughter of Shiv Badan Ray, Resident of Village- Khairahin,
P.O. Pachpokhari, P.S. Baghaila, Distt. Rohtas.

... .. Petitioner/s

Versus

1. The Bihar Public Service Commission through its Chairman, 15, Nehru Path, Bailey Road, Patna.
2. The Chairman, the Bihar Public Service Commission, 15, Nehru Path, Bailey Road, Patna.
3. The Joint Secretary cum Examination Controller, the Bihar Public Service Commission, 15, Nehru Path, Bailey Road, Patna.
4. The State of Bihar through the Principle Secretary, Art, Culture and Youth Department, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Satyabir Bharti, Sr. Advocate Mr. Uday Chand Prasad, Advocate Mr. Binod Kumar Sinha, Advocate Mr. Nikhilesh Kumar, Advocate
For the State	:	Mr. Md. N.H. Khan, SC-1
For the B.P.S.C.	:	Mr. Zaki Haider, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 12-03-2026

Heard Sri Satyabir Bharti, learned Senior Counsel for the petitioner and Sri Zaki Haider, learned counsel for the Bihar Public Service Commission ('BPSC' in short).

2. The petitioner has filed the instant application for the following reliefs :-

"I. For issuance of writ in the nature of certiorari for quashing of part of the list of ineligible candidates recommended by the committee so far petitioner is concerned issued



on 22.8.2024 by Examination Controller, Bihar Public Service commission, Patna whereby petitioner was put in the list of ineligible candidate on the ground the PG Diploma after cut off date with respect to Advt. No. 65/2020 for the post of Assistant curator.

II. For issuance of writ in the nature of mandamus commanding the Respondents to put the name of petitioner in the list of eligible candidates issued by Bihar Public service Commission Patna in pursuant to advt. No. 65/2020 for the post of Assistant curator as the petitioner has possessed PG Diploma Degree within cut off date.

III. For commanding the Respondents authority concerned to allow the petitioner for appearing in interview test for the post of Assistant curator in Art, culture and youth Department, Bihar Patna in pursuant to advt. no. 65/2020 published by Bihar Public Service Commission, Patna as she has succeeded in written Test.

IV. For issuance of writ, order direction save and except in accordance with law.”

3. The case of the petitioner in brief is that the respondent-BPSC having come out with Advertisement no.65 of 2020 on 30.9.2020 for appointment on the post of Assistant Curator/Research and Publication Officer/Assistant Director in



the Department of Art, Culture and Youth, Government of Bihar, the petitioner being eligible in all respects filed an application for appointment on the post of Assistant Curator. The petitioner had got the degree of Master of Arts in Ancient Indian History & Archaeology on 28.3.2011 from Patna University. It may be mentioned here that the last date for application against Advertisement no.65 of 2020 was 30.10.2020.

4. The respondent-BPSC came out with the first corrigendum to the Advertisement no.65 of 2020 wherein pursuant to the order passed by this Court the appointment Rules were amended and certain amendments were also brought about in the educational qualification.

5. As per the first corrigendum dated 30.12.2022, the educational qualification required that an applicant should have obtained postgraduate degree in Ancient Indian History & Culture/Archaeology and postgraduate diploma in Museology/postgraduate diploma in Archaeology with a minimum of 55 percent marks.

6. It is submitted by Mr. Satyabir Bharti, learned Senior Counsel for the petitioner that the corrigendum provided that those candidates who had already applied could amend their qualification using the 'Edit option' in the application form.



Accordingly, the petitioner amended her application by using the edit option and uploaded the certificate and mark-sheet of her postgraduate diploma in Archaeology & Museology dated 3.1.2022 issued by the Sampurnanand Sanskrit Vishwavidyalaya, Varanasi.

7. The petitioner was issued with the Admit Card bearing Roll no.650655 issued by the BPSC. She appeared in the written/objective examination conducted on 25.3.2023 and the results were published on 24.5.2023 wherein she was declared successful.

8. It is submitted by learned Senior Counsel appearing for the petitioner that the petitioner was called for interview which was scheduled to be held on 20.7.2023 and 21.7.2023, however the dates were subsequently extended to 28.7.2023 and 29.7.2023. The BPSC once again came out with a notice dated 12.7.2023 postponing the interview.

9. Learned Senior Counsel submits that the BPSC came out with the second corrigendum to Advertisement no.65 of 2020 on 7.12.2023 whereby applications were now invited from Scheduled Tribes candidates and also candidates belonging to the Backward Class (Female) category. The written/objective examination for these two categories was held on 4.2.2024. All



the successful candidates in the written/objective examination held on 25.3.2023 including the petitioner herein as also 4.2.2024 were called for document verification on 28.2.2024. As directed, the petitioner appeared on 28.2.2024 and produced all the documents with respect to her educational qualification in original. On 22.8.2024, the respondent-BPSC came out with a list of ineligible candidates wherein the name of the petitioner figured at serial no.21 with the remark 'Ineligible- PG Diploma After Cut Off Date'.

10. It is submitted by Mr. Satyabir Bharti, learned Senior Counsel for the petitioner that by the first corrigendum to Advertisement no.65 of 2020 published on 30.12.2022, the BPSC had not only given opportunity to the candidates who had not applied to file their application but had also given opportunity to the candidates who had filed their applications pursuant to Advertisement no.65 of 2020 to suitably amend their applications by use of 'Edit option', the last date for online application in the corrigendum dated 30.12.2022 being 16.1.2023.

11. It is further submitted that the BPSC came out with a second corrigendum to the Advertisement no.65 of 2020 on 7.12.2023. The same categorically provided that the



certificates with respect to the amended educational eligibility and experience as published in the first corrigendum dated 30.12.2022 should have been issued on or before 19.12.2023 or else the candidature of the applicant would be rejected. It is thus submitted that both the certificates of the petitioner having been issued prior to the said cut-off date, the respondent-BPSC erred in keeping the petitioner in the list of ineligible candidates as contained in the list dated 22.8.2024. Thus, the said list of ineligible candidates (Annexure-P/12) be set aside so far as the petitioner herein is concerned and the respondent-BPSC be directed to permit the petitioner to appear in the interview scheduled to be conducted on 14.3.2026.

12. The application is opposed by Mr. Zaki Haider, learned counsel appearing for the BPSC. It is submitted that so far as the role of the BPSC is concerned, it is limited to the extent that after receiving requisition from the concerned Department of the State Government it advertises the posts on the basis of the terms and conditions of the requisition, relevant recruitment Rules and Regulations and after conducting the selection process, recommends to the Department the names of the candidates for appointment on different posts. In reference to the instant case, it is submitted by learned counsel that on



requisition having been received from the Department of Art, Culture and Youth, Government of Bihar for filling up of 12 vacant posts of Assistant Curator/Research and Publication Officer/Assistant Director, the BPSC published Advertisement no.65 of 2020. It is further submitted that as per Clause 8(2) of the Bihar State Archaeology & Museum Service Rules, 2014, the essential education qualification of (a) postgraduate degree in the Ancient Indian History and Culture/Archaeology/Ancient Indian and Asiatic Studies/Ancient Indian History and Art History, (b) postgraduate diploma in Museology/post graduate diploma in Archaeology with minimum 55% marks were incorporated in clause 3 of the Advertisement no.65 of 2020.

13. In the meantime, one of the candidates namely Hari Krishna Prasad moved this Court in CWJC no.496 of 2021 which was disposed of by order dated 28.6.2021 with liberty to the petitioner therein to approach the authority concerned by filing a representation for redressal of his grievances. Pursuant to the direction of this Court in its order dated 28.6.2021, Clause 8(2) of the earlier Rules which dealt with the educational qualification was substituted. Thereafter, on the request by the Secretary of the Department to proceed with the Advertisement no.65 of 2020, the BPSC came out with the first corrigendum



dated 30.12.2022 with changes in the essential qualifications as published in the Advertisement dated 30.9.2020.

14. It is submitted by learned counsel appearing for the BPSC that even as per the corrigendum dated 30.12.2022, the candidate should have obtained the essential qualification before 30.10.2020 i.e. the cut-off date in the Advertisement no.65 of 2020. The petitioner not having the eligibility prior to the cut-off date of 30.10.2020, she was rightly placed in the list of ineligible candidates. Learned counsel for the BPSC has relied upon the judgments of the Hon'ble Supreme Court in the case of Ashok Kumar Sonkar vs. Union of India & Ors.; (2007) 4 SCC 54 and Divya v. Union of India & Ors.; (2024) 1 SCC 448. The petitioner has not made out any case for interference in the order dated 22.8.2024 (Annexure-P/12) impugned in the writ application and as such the writ application be dismissed.

15. Heard learned Senior Counsel for the petitioner and learned counsel for the BPSC. Perused the material on record.

16. The relevant facts in brief are that on requisition having been filed by the Department of Art, Culture and Youth for filling up the posts of Assistant Curator/Research and Publication Officer/Assistant Director in the Department, the



BPSC came out with an Advertisement no.65 of 2020 on 30.9.2020 for filling up the 12 vacant posts.

17. Clause 3 of the advertisement dated 30.9.2020 which dealt with the educational eligibility clearly provided that all the certificates with respect to the candidate's educational qualification should have been issued prior to the last date of filing the online application which was 30.10.2020.

18. It transpires from the records of the case that the petitioner who filled up her application had obtained the degree of Master of Arts in Ancient Indian History & Archaeology on 28.3.2011 from Patna University. On perusal of Clause 3 of the advertisement dated 30.9.2020 it transpires that the petitioner though had obtained the postgraduate degree in Ancient Indian History & Culture/Archaeology much prior to the cut-off date of 30.10.2020, on 28.3.2011 itself, however she did not have the postgraduate diploma in Museology/postgraduate diploma in Archaeology with a minimum of 55 percent marks, on the cut-off date of 30.10.2020.

19. Pursuant to the order passed by this Court in CWJC no.496 of 2021, having considered the representation filed by the petitioner therein, the Department carried out amendment in the Rules with respect to the educational



qualification and further brought about amendment/clarity in the educational qualification of Advertisement no.65 of 2020. A perusal of the first corrigendum dated 30.12.2022 to Advertisement no.65 of 2020 (Annexure-P/3) would show that the educational qualification was that the candidate should have (a) postgraduate degree in the Ancient Indian History and Culture/Archaeology or Ancient Indian and Asiatic Studies/Ancient Indian History and Art History, (b) postgraduate diploma in Museology/post graduate diploma in Archaeology with minimum 55% marks or 3 years work experience of excavation/conservation/museum.

20. The first corrigendum dated 30.12.2022 further provided that eligible candidates who had not filled their applications earlier could file their applications. It further provided that those applicants who had filed their online applications on earlier occasion could make necessary changes in their application form by using the 'Edit option' incorporating their educational qualifications. The corrigendum provided that the fresh online applications can be filed starting from 2.1.2023 till 16.1.2023 and the date to edit the applications filed on earlier occasion was from 2.1.2023 till 23.1.2023.

21. A perusal of the corrigendum dated 30.12.2022



would show that at the bottom of the corrigendum a note was clearly provided therein according to which all the necessary instructions had been provided in detail in the earlier published advertisement (i.e. Advertisement no.65 of 2020) which was to remain unchanged. In the opinion of the Court, by the said corrigendum only the date of filling up fresh online application had been provided from 2.1.2023 to 16.1.2023 and for online editing of the earlier application already filed was provided from 2.1.2023 to 23.1.2023. So far as the last date for the certificates to have been issued in evidence of the candidate having the requisite qualification is concerned, in the opinion of the Court, there was no change by the BPSC in the said corrigendum which continued to be 30.10.2020 as provided in the Advertisement no.65 of 2020 published on 30.9.2020.

22. Thereafter, the BPSC came out with a second corrigendum on 7.12.2023 whereby there was reallocation of the categories to which the 12 vacancies/seats were going to be filled up. A perusal of the same would show that while one seat each in the Unreserved category and the Backward Class category was reduced, the same were put in the categories of one seat for Scheduled Tribe (backlog) and one for Backward Class Female (backlog).



23. The second corrigendum dated 7.12.2023 provided that the applications could be filed by the applicants belonging to the categories of Scheduled Tribe and Backward Class (Female) as both these categories which had no seats on earlier occasion, by this corrigendum, one seat each had been allocated.

24. The second corrigendum further provided that so far as the certificates in evidence of the educational qualification amended by the first corrigendum dated 30.12.2022 as also the experience certificate is concerned, both should have been issued by the issuing authority on or before 19.12.2023 which was the last date for filling up the application as mentioned in the said second corrigendum dated 7.12.2023.

25. With respect to the contention made by learned counsel for the BPSC that the cut-off date with respect to issuance of certificate being 19.12.2023 as provided in the second corrigendum was only with respect to the category of the applicants belonging to Scheduled Tribe and Backward Class (Female) is concerned, this Court is not in agreement with the said interpretation by learned counsel for the respondents. It is for the reason that the last date for issuance of certificates by the authorities showing the candidate as having educational



qualification/eligibility cannot be different i.e. one date (19.12.2023) for the Scheduled Tribe and Backward Class (Female) and a separate date i.e. 30.10.2020 for Scheduled Caste, Economically Weaker Section and Unreserved.

26. It is not in dispute that the petitioner got the degree of Master of Arts in Ancient Indian History & Archaeology on 28.3.2011 from the Patna University and her postgraduate diploma in Archaeology & Museology dated 3.1.2022 from the Sampurnanand Sanskrit Vishwavidyalaya, Varanasi. Both the degree and diploma having been obtained by the petitioner prior to the cut-off date on 19.12.2023, in the opinion of this Court, the BPSC erred in placing the petitioner in the list of ineligible candidates dated 22.8.2024 (Annexure-P/12).

27. It may be mentioned here that the facts of the two judgments sought to be relied upon being distinct and different, in the opinion of the Court, the same are of no assistance to the respondents in the instant case.

28. Thus in view of the facts and circumstances of the case, the list of ineligible candidates dated 22.8.2024 published under the signature of the Examination Controller, BPSC, Patna is set aside so far as the petitioner is concerned.



29. The BPSC is directed to permit the petitioner to appear in the interview scheduled by the BPSC to be held on 14.3.2026 and she be considered for selection/appointment along with other successful candidates.

30. The writ application stands allowed.

31. Let a copy of this order be communicated to the Joint Secretary –cum– Examination Controller, Bihar Public Service Commission, Patna (respondent no.3) forthwith.

(Partha Sarthy, J)

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CAV DATE	
Uploading Date	12.03.2026
Transmission Date	

