

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17952 of 2025

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Sri Kant Sharma Son of Ram Bachan Sharma, Resident of Village - Jagapakar, P.S. Harsidhi, District - East Champaran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Secondary Education, Department of Education, Government of Bihar, Patna.
4. Bihar Public Service Commission, through the Chairman, Patna.
5. The Secretary, Bihar Public Service Commission, Patna, Bihar.
6. The Examination Controller, BPSC, Patna, Bihar.
7. The District Magistrate, East Champaran, Motihari.
8. The District Program Officer, East Champaran, Motihari.
9. The District Education Officer, East Champaran, Motihari.
10. The Principal, P.S.S.N.Girls High School, Areraj, East Champaran.
11. The Executive Officer - cum Member Secretary, Areraj Nagar Panchyat, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vikash Kumar Pankaj, Adv.
For the Respondent/s	:	Mr. Prem Ranjan Raj, Adv.
For the BPSC	:	Ms. Usha Kumari No.01, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 21-07-2026

Heard Mr. Vikash Kumar Pankaj, learned Advocate
for the petitioner and Mr. Prem Ranjan Raj, learned Advocate
for the State.

2. The petitioner, one of the aspirants for the post of
Head Master in the Senior Secondary School in connection with
Advertisement No. 26 of 2024 dated 01.03.2024 has approached



this Court seeking a direction upon the respondents to issue appointment letter by virtue of securing 387th position in the Merit List issued by the respondent Bihar Public Service Commission. The petitioner also sought for quashing of the Letter dated 18.03.2025 to the extent whereby the experience certificate as per the advertisement uploaded by the petitioner has been marked as doubtful for not being signed by the District Programme Officer.

3. The short facts, which led to the filing of the present writ petition are that the petitioner on being found eligible, applied for the post of Head Master in the Senior Secondary School through online application alongwith all the requisite papers and fees. Out of total 6061 posts of "Head Master", 1590 posts were reserved for EBC category including 518 posts for EBC women. The petitioner appeared on the selection test duly conducted by the BPSC and was placed at 387th position under unreserved category. It is stated that alongwith application form, the petitioner also enclosed all the relevant certificates and documents, including the experience certificates, duly issued by the In-charge Head Master of the PSSN School, Arya Raj. On being satisfied with the documents submitted by the petitioner, he was called upon to participate in



the counseling held on 20.12.2024, 11.02.2025 and 18.03.2025.

4. Learned Advocate for the petitioner submitted that in the first counseling dated 12.12.2024, the experience certificate was found correct, while education qualification of M.Sc and B.ed was found doubtful. In the second counseling held on 11.02.2025, though the petitioner appeared, but no counseling letter was issued, as none of the petitioner's documents were perused or verified. Finally the petitioner appeared in the third and final counseling held on 18.03.2025, wherein all his documents were found to be correct, but with respect to experience certificate the same was found to be doubtful stating therein that the "experience certificate uploaded, but DPO signature not found".

5. Learned Advocate for the petitioner referring to the application along with the experience certificate, which were uploaded in pursuant to the advertisement, submitted that surprisingly the experience certificate which was found correct in first counseling dated 20.12.2024, but when the petitioner produced the experience certificate dated 13.12.2024 bearing the signature of concerned District Program Officer at the time of third counseling, the same was said to be doubtful. The advertisement, the copy of which is placed on record, especially



Clause 3(v), thereof clearly stipulates that at the time of submission of the application, the experience certificate was only required to be issued by the Principal of the college and there was no such stipulation that it must contain the signature of the District Programme Officer. The clarificatory note made in the advertisement precisely states that after selection at the time of appointment only those experience certificate would be valid, which is duly counter signed by District Programme Officer. The petitioner had accordingly produced the experience certificate duly counter signed by the District Programme Officer on the date of counseling held on 20.12.2024 itself, which was found to be correct, as is evident from Annexure-P/10.

6. Adverting to the aforesaid facts, he thus submitted that there was no error on the part of the petitioner, which may resulted into non acceptance of his candidature for the purposes of appointment. Had there been any doubt with regard to the genuineness of the certificate, the same may be verified by the District Program Officer or the Principal of the concerned school, but the same has not been done. Only on account of the unfounded doubt, the claim of the petitioner for appointment has been negated.



7. Reliance has been placed on a decision rendered by the Hon'ble Supreme Court in the case of ***Vashist Narayan Kumar Vs. The State of Bihar and Ors., (2024) 11 SCC 785*** wherein the Apex Court underscored that if 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. The petitioner should not be penalised for this insignificant error which made no difference to the ultimate result.

8. It is lastly argued that the petitioner though belongs to EBC category, but secured his good position in the merit list of general category by virtue of his merit and thus it should not be penalized for his no fault.

9. On the other hand, learned Advocate for the State refuting the contention of the petitioner submitted that bare perusal of the advertisement especially Clause 6 (VIII) thereof, it is apparent that all the required certificates, including the experience certificate, should be mandatorily issued prior to 02.04.2024. It has been further clarified that the certificate issued after the lapse of the last date of filing of the application form would not be recognized. The date of the last date of the submission of the online form was 02.04.2024, which indicate



that the certificate must be issued prior to 02.04.2024.

10. Learned Advocate for the State further contended that during the process of counseling, the petitioner produced the Experience Certificate No. 119 dated 13.12.2024, which has been issued under the joint signature of the concerned Head Master/In-Charge Head Master of the school, the DPO (Establishment), the DPO (Secondary Education & Literacy) & DEO, East Champaran, Motihari; wherein it is certified that the petitioner has been working as a teacher from 28.05.2013 , till date and the date of passing of the B.Ed. Examination has been mentioned as August, 2011. Since certain discrepancies have been found in the experience certificate, besides it has been issued after 02.04.2024, the same has not been found acceptable, which resulted into non issuance of the appointment letter.

11. Having considered the submission advanced by the learned Advocate for the respective parties and upon perusal of the stipulations of the Advertisement No. 26 of 2026 especially Clause 3 (V) thereof, wherein the clarificatory note has been given, it is imperative that only those experience certificates shall be eligible, which has been issued by the Principal/In-Charge Principal. However, after selection of a



candidate, the experience certificate must be counter signed by the District Program Officer.

12. Bare plain reading of the aforesaid prescription, it is evident that at the time of uploading of the application form, there was no requirement of the experience certificate being counter signed by the District Program Officer and from perusal of the experience certificate, which was uploaded at the time of submission of the application, it clearly appears that the same has been issued by the Principal of the School on 28.03.2024 and as per the contention of the petitioner in the first counseling held on 20.12.2024, the petitioner has produced the experience certificate duly counter signed by the District Program Officer, which was found correct.

13. Hence, in any view of the matter the objection raised by the respondents that his certificate has been issued after the cut off date of 02.04.2024 has no merit for consideration. This Court also finds that only on account of a doubt raised in the experience certificate produced by the petitioner, he cannot be deprived from appointment, if he has successfully passed and secured good merit position. Undoubtedly had there been any doubt, the same would have been clarified by the concerned authority including the District



Program Officer or the Principal of the School or in case, the petitioner may be called upon or be given opportunity to satisfy the recruiting agency.

14. The reliance placed by the learned Advocate for the petitioner in the case of ***Vashist Narayan Kumar*** (supra) also finds applicable in the case of the petitioner wherein, the Court has categorically observed as follows:-

"15.9. It is true that whenever any material discrepancy is noticed in the application form and/or when any suppression and/or misrepresentation is detected, the candidature might be cancelled even after the application has been processed and the candidate has been allowed to participate in the selection process. However, after a candidate has participated in the selection process and cleared all the stages successfully, his candidature can only be cancelled, after careful scrutiny of the gravity of the lapse, and not for trivial omissions or errors."

(emphasis supplied)

15. In view of the aforesaid facts and the position obtaining in law, as referred hereinabove, this Court finds substance in the present writ petition. Accordingly, direct the respondent no. 03, the Director, Secondary Education, Department of Education, Government of Bihar, Patna to consider the case of the petitioner for appointment to the post of



Head Master in Senior Secondary School in connection with Advertisement No. 26 of 2024 and take appropriate decision, after getting proper verification of the experience certificate.

16. Suffice it to observe that if the experience certificate produced by the petitioner is found to be genuine, in such circumstances the necessary order of appointment be issued in his favour, considering the fact that still the posts are vacant and available, as has been stated in the writ petition.

17. The entire exercise must be completed, preferably within a period of six weeks, from the date of receipt/production of a copy of this order.

18. The writ petition stands allowed.

(Harish Kumar, J)

sumit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2026
Transmission Date	NA

