IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15981 of 2026

CNR No. BRHC011102132026

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Kirtiraj Kaushik son of Randhir Singh, Resident of Village-Kishunpur Telaur, P.S.-Kathara, District-Vaishali.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Secondary Education, Govt. of Bihar, Patna.
3. The Controller of Examination (Miscellaneous), Bihar School Examination Board, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner	:	Mr. Dilip Kumar Roy, Advocate
For the State	:	Mr. Ram Niwas Prasad, GA-15
		Mr. Vishwambhar Prasad, AC to GA-15
For the B.S.E.B.	:	Mr. Subodh Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL ORDER

2 29-10-2026 Heard the learned counsel for the petitioner, the learned counsel for the State and the learned counsel appearing on behalf of the Bihar School Examination Board.

2. The present writ petition has been filed for the following reliefs:

> "(i) For the issuance of an appropriate Writ directing/commanding the Respondents to allow the petitioner to add Paper II in his application for the S.T.E.T. which shall eligible the petitioner for (Higher Secondary) Teacher along with (Secondary Teacher).
>
> (ii) For the issuance of any other

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Writ/Direction as your Lordships may deem fit and proper for the ends of Justice."

3. The learned counsel for the petitioner submits that an advertisement bearing Advertisement No.- PR 183/2026 was published by the Bihar School Examination Board (hereinafter referred to as 'the Board'), Patna, inviting applications for S.T.E.T., 2026 Examination for Paper-I and Paper-II. The last date for submission of the application form was 15.09.2026. The petitioner, being eligible to apply for Paper-I submitted his application on 14.09.2026 for only Paper-I i.e. before the last date of 15.09.2026. Subsequent thereto, the petitioner obtained his M.A. qualification on 19.09.2026, therefore he became eligible for appearing in Paper-II examination also and the date of examination was extended till 22.09.2026, for which a message was communicated on 15.09.2026. After extension of the date of application, the petitioner submitted his representation before the authorities for permitting him to add Paper-II, in his application, which was submitted on 14.09.2026. The authorities of the Board rejected the application submitted by the petitioner for adding Paper-II in his online application submitted on 14.09.2026, by communication received on his e-mail on 29.09.2026. While rejecting the application of the petitioner it was informed that a candidate can submit S.T.E.T.

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application only once and at the time of registration, an option was given to the candidates to either apply for Paper-I, Paper-II or both the papers, as per the eligibility of the candidate. Once an application has been successfully submitted, it will not be possible to submit another application, later on for the remaining papers. It is the case of the petitioner that a candidate can edit/make correction in his application till 07.10.2026, however the petitioner was not permitted to make necessary correction in his application. The petitioner filed a representation before the Controller of Examination (Misc.) B.S.E.B., Patna on 05.10.2026, however no decision was taken by the respondent authorities. The learned counsel for the petitioner next submits that the petitioner is entitled to make necessary correction/entitled to edit the application form submitted by him on 14.09.2026, by adding the Paper-II, which he has cleared on 19.09.2026. He submits that the rejection of the claim of the petitioner on mere technicalities is fit to be deprecated by this Hon'ble Court and the communication sent to the petitioner on 29.09.2026 is fit to be set aside.

4. *Per contra*, the learned counsel appearing on behalf of the Board, while referring to the communication sent to the petitioner on 29.09.2026, would submit that the communication

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is clear that a candidate once submits his application successfully, it will not be possible to submit another application, later on for the remaining paper and it has been further communicated to the petitioner that the candidates are advised to carefully select the required paper/papers and complete the application form accordingly, before submitting the form. He, while referring to Annexure-P/1 to the writ petition, would submit that in terms of the notice, which was published on 13.08.2026, especially Clause-19 thereof, it would transpire that the online application form was to be submitted by the candidate on his own and in case of the application form being not filled up properly or the same being submitted in duplicate, the application was to be rejected. He submits that since the petitioner has already submitted his application form once, therefore, there is no provision in the advertisement/notice itself to permit a candidate to make necessary correction/to edit his application form or to submit an application form again.

5. The learned counsel appearing on behalf of the State submits that the matter relates to the Bihar School Examination Board, Patna, therefore, the State Government is only a formal party and there is no requirement of filing any counter affidavit on behalf of the State-Respondents.

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6. Having considered the rival submissions and after going through the records, it appears that an advertisement was issued by the Board on 13.08.2026, whereby applications were invited from eligible candidates for S.T.E.T., 2026 Examination. In the said advertisement, it was clearly mentioned that a candidate has to fill up his application form himself and it is obligatory on the part of the candidate to fill up the application form and if the application form was found to be incomplete or there are two application forms submitted on behalf of a candidate, the same is liable to be rejected/cancelled. In the present case, the petitioner submitted his application form on 14.09.2026, wherein he submitted his application form for Paper-I only. Later on, when the date of the application form was extended till 22.09.2026, the petitioner had obtained his qualification of M.A in the meanwhile on 19.09.2026. The claim of the petitioner was rejected by the authorities of the Board on the ground that once a candidate submits his application form, there is no provision for any correction in the same and there is no provision for permitting a candidate to submit his application form again in terms of Clause-19 of the advertisement. In the present case, the petitioner, since at the time of submission of the application before 14.09.2026, was not having the

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qualification of M.A., which admittedly he has obtained on 19.09.2026, did not submit his application for Paper-II, therefore rightly so his case for adding Paper-II in the original application form has not been considered by the authorities of the Board. In view of this Court the terms and conditions of an advertisement has to be laid down by the appointing authority, in the present case the Board. A candidate submitting application or filling form will have to adhere to the guidelines prescribed in the advertisement/notice, which the authorities decide. This Court sitting under Article 226 of the Constitution of India does not have the jurisdiction to direct the authorities to alter the terms and conditions, which have been decided by the authorities. The Hon'ble Supreme Court of India in a decision reported in **(2020) 19 SCC 430 (The State of Tamil Nadu & Ors. vs. G. Hemalathaa & Anr.)** has held that the terms and conditions of the advertisement as also the instructions issued by a recruiting agency are mandatory having the force of law and they have to be strictly complied with. Strict adherence to the terms and conditions of the instructions is of paramount importance. The High Court in exercise of powers under Article 226 of the Constitution cannot modify/relax the Instructions issued by the Commission.

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7. In view of the decision of the Hon'ble Supreme Court of India in the case of **the State of Tamil Nadu** (supra), this Court is of the considered opinion that the law do not permit this Court, sitting under Article 226 of the Constitution of India, to issue a direction to the recruiting agency to alter the terms and conditions, which have been fixed in the advertisement. Clause-19 of the advertisement clearly prescribes that if a candidate submits incomplete application or submits his application twice, the same will be rejected. Therefore, the decision taken by the Board on 24.09.2026 did not suffer from any perversity and accordingly, the writ petition filed by the petitioner is dismissed.

(Ritesh Kumar, J.)

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