

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18594 of 2025

Santosh Kumar Son of Vishwanath Saw, resident of Village and Post- Sahar Rampur, P.S. Naubatpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Pricipal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Secondary Education, Govt. of Bihar, New Secretariat, Patna.
4. The Bihar School Examination Board through its Secretary, Budh Marg, Patna.
5. The Chairman, Bihar School Examination Board, Budh Marg, Patna.
6. The Secretary, Bihar School Examination Board, Budh Marg, Patna.
7. The Examination, Controller, Bihar School Examination Board, Budh Marg, Patna.
8. The Principal, Simultalla Residential School, Simultalla, Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Verma, Advocate Mr. Abhishek Kumar, Advocate Mr. Onkar, Advocate
For the State	:	Mr. Ajay Behari Sinha, GA-8
For the B.S.E.B. :	:	Mr. Nadim Seraj, Advocate
For Resp. No. 8	:	Mr. Shiv Pratap, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 19-01-2026 Heard the parties.

2. The petitioner, father of a Class-VIth student, namely, Tanvi Kumari, has approached this Court seeking a direction commanding upon the respondents, particularly, respondent nos. 7 & 8 to admit her to Class-VI for the Academic Session 2025-26 in Simultalla Residential School, Simultalla, Jamui taking into account her merit position duly obtained in the



entrance test.

3. The facts are admitted to the extent that the petitioner's daughter had applied for admission to Class-VI in Simultalla Residential School, Simultalla, Jamui. However, on account of mistake in the application form in place of EBC Category, it has been wrongly mentioned as BC Category.

4. There is no dispute that the daughter of the petitioner along with others appeared in the entrance examination test and having cleared prelims exam, she was allowed to appear in mains examination where she was declared successful in the girls' category for Class-VI. The petitioner's daughter has secured 101 marks under the general category candidate.

5. It is made clear that the cut off marks in BC Girls' Category and the cut off marks in General Category are shown as 94 and 97, whereas, in the EBC Category, the cut off marks shown as 87 for the female students.

6. Notwithstanding the aforesaid fact, the admission of the petitioner's daughter was denied as she failed to adhere to the terms and conditions pertaining to Clauses 9 & 9.4 of the Advertisement No. 273/2024 issued vide Memo No. 577 dated 08.08.2024, wherein it has been unambiguously stated that the



candidature of the applicants shall be rejected, if it is found to be incorrect on verification.

7. A counter affidavit has been filed on behalf of the Principal of the said school. It is submitted that in terms with Clause 9.4 of the Advertisement, the candidate was given opportunity to rectify the error in the application form by using her ID & Password sent to her registered mobile number. However, the petitioner failed to rectify the error.

8. The mother of the applicant had also been allowed 7 days time to submit the correct and rectified documents but the same has not been done, leading to non-acceptance of her daughter's candidature. On the aforesaid premise the petitioner's daughter has not been admitted in the school in question.

9. This Court has considered the submissions advances by the learned Advocates for the respective parties and perused the materials available on record. There is no dispute with regard to the performance of the petitioner's daughter, who secured 101 marks, much above the cut off marks fixed for the students of General Category.

10. The error at the time of filling of the application form with respect to Reserve Category; as irrespective of the fact, the petitioner's daughter belongs to EBC Category, she had



filled up the application form under the BC Category. The aforesaid mistake in any view of the matter cannot be treated to have been made intentionally to get any undue benefit, nor it is the case of the respondents. The respondent-authorities also must not lose sight of legal position that candidature of a candidate, who has successfully completed selection process can be cancelled only after careful scrutiny of gravity of lapse and not for trivial omission or errors, since law does not concern itself with trivial. [Vide: *Vashist Narayan Kumar Vs State of Bihar & Ors. (2024) 11 SCC 785*].

11. This Court is, prima facie, of the opinion that the petitioner's daughter, Tanvi Kumari has performed well in the entrance examination for Class-VI and competed at par with the General Category student and as such denial to admit her in the school would certainly jeopardize her career besides cause frustration in the mind of a budding student.

12. In view of the aforesaid facts, this Court directs the Principal of the said school to admit the petitioner's daughter in Class-VI of the school, as per her merit position.

13. It is made clear that the adjustment of the petitioner shall not cause prejudice to the right and entitlement of any of the students by interfering in his/her admission.



14. The aforesaid exercise must be completed withing
a period of four weeks from today.

15. The writ petition stands disposed of.

(Harish Kumar, J.)

Jyoti Kumari/-

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