

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2976 of 2015

=====

Vivek Kumar son of Shri Rajesh Kumar, resident of Baldeo Bhawan Road,
Mohampur, Punaichak , District -Patna.

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary.
2. Principal Secretary, Water Resources Department, Bihar, Patna.
3. Bihar Staff Commission, Patna through its Secretary.
4. Chairman, Bihar Staff Selection Commission, Patna.
5. Secretary, Bihar Staff Selection Commission, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava

For the Respondent/s : Mr. GP2- R.K. SINGH

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 23-03-2015

A K Tripathi, J. Writ application has been filed by the petitioner seeking a mandamus upon the respondent authority, especially the Bihar Staff Selection Commission, to take steps for his appointment on the post of a Junior Engineer (Civil) on the basis of his performance under BC category.

2. Facts are not in dispute that the petitioner was an applicant, declared his candidature under BC category but did not provide the requisite supporting documents, which justify seeking reservation in terms of the advertisement, which specifically laid down as to the designated authority from whom such a certificate of caste had to be obtained for availing benefit of reservation.

3. Whatever was furnished by the petitioner has been annexed in the counter affidavit of the Staff Selection Commission. It is their stand that the petitioner cannot take advantage of his own default of not carrying out the

directive in terms of the advertisement and the time-frame within which such omissions, if any, were required to be removed.

4. It was in this context that the petitioner instead of being treated as BC candidate was treated under the general category candidate and the marks which the petitioner has did not make him eligible to be appointed under the general category.

5. There is neither a fowl play nor any element of arbitrariness as is the stand of the respondent Staff Selection Commission. In addition to that, they also place reliance in support of their stand on at least two Division Bench decisions, which have been rendered in the case of **Tar Babu Yadav vs. State of Bihar, 2011 (4) PLJR 185** as well as **Harish Chandra Patel vs. State of Bihar, 2012(1) PLJR 397**.

6. The decision on which the petitioner wants to rely has already been declared per incuriam by the Division Bench. In view of the same, the binding effect of the decision on which the petitioner places reliance is of no legal value.

7. Writ application is required to be dismissed in view of the legal position indicated in the two Division Bench decisions and it is, therefore, dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

U			
---	--	--	--