

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13840 of 2007

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1. Chandra Shekhar Kumar S/o Shri Krishna Prasad, Resident of Mohalla Lal Bahadur Shastri Nagar, Old Peon, Flat No. 56, P.S. Shastri Nagar, District Patna.
 2. Manoranjan Kumar, S/o Shri Alakhdeo Prasad, resident of Quarter no. 19/96, Lal Bahadur Shastri Nagar, P.S. Shastri Nagar, District Patna
 3. Mukesh Kumar Sharma, S/o Shri Ram Swarup Sharma, Resident of village Kalyan Tola, P.S. Pariyarpur, Dist. Munger.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary to the Govt. Old Secretariat, Patna.
2. Bihar Public Service Commission, through its Secretary having his office at Bailey Road, Patna.
3. The Secretary, Personnel and Administrative Reforms Department, Govt. of Bihar, Old Secretariat, Patna.
4. The District Magistrate, Patna.

.... Respondents

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Appearance :

For the Petitioners : Mr. Awadhesh Kumar Mishra, Advocate
Mr. Arun Kumar Mandal
Mr. Sushil Chandra Keshari
For the B.P.S.C : Mr. Ranjit Sinha, Advocate.
For the State : Mr. Asit Kumar Jha, AC to GP-6

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 04-05-2015

Heard the parties.

A counter affidavit has been filed on behalf of the respondent- Bihar Public Service Commission (for short 'the Commission').

The petitioners herein claim themselves to be the candidates belonging to most backward category (for short 'MBC'). Pursuant to the advertisement published by the Commission in 1998 vide advertisement no. 50/1998. They filed applications claiming



themselves to be the reserved category. They were declared successful at the examination. The respondents by a notice called upon the successful candidates to produce the different documents for verification including the Caste Certificate /Creamy Layer Certificate duly issued by the District Magistrate of the concerned District. Notified period for filing of the said documents was 30.7. 2003 and 31.7.2003 for the candidates declared successful and belonging to the District of Patna. The petitioners belonged to the District -Patna. Indisputably, they did not furnish the Caste Certificate/Creamy Layer Certificate issued by the District Magistrate of the concerned District. Instead they produced the certificate(s) duly issued either by the Block Development Officer or the Sub Divisional Officer. Their candidature was therefore not considered by the Commission. The present writ application has been filed for a direction commanding the respondents, particularly, the Commission to treat them as the successful candidates having filed all requisite documents/papers including the Caste Certificate/Creamy Layer.

Mr. Prabhat Kumar who has appeared on behalf of the Commission has stated that the Commission by Annexure-R/1 issued a public notice calling upon the petitioners to produce the Caste Certificate / Creamy Layer Certificate duly issued by the District Magistrate . Insistence of production of Creamy Layer Certificate

from the District Magistrate was necessary in view of the Government notification dated 6th May, 1995 (Annexure-R/2). Relying on the order of the Supreme Court contained in Annexure-R/3, it has been submitted that the Apex Court also held that for claiming the benefit of reservation in appointments in Government services only the caste certificates issued by the District Magistrate is admissible/valid'. On the aforesaid facts, it has been submitted on behalf of the respondent-Commission that the claim of the petitioners was not considered.

On going through the pleadings on record, this Court is satisfied that non- consideration of the claim of the petitioners by the Commission is as per the relevant circular of the Government and the clauses incorporated in the communication of the Commission (Annexure R/1) which also finds support from the order passed by the Apex Court as contained in Annexure- R/3. Seen thus, no relief can be granted to the petitioners.

The writ application is dismissed.

(Kishore Kumar Mandal, J)

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