

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2444 of 2014

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Ram Nath Ram, Son of Bindeshwar Ram, Resident of Village- Chakouti, P.S.-
Nanpur, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of General Administration, Government of Bihar, Patna.
2. The Bihar Staff Selection Commission, Bihar Veterinary College Campus, Patna through its Secretary.
3. The Chairman, Bihar Staff Selection Commission, Bihar Veterinary College Campus, Patna.
4. The Secretary, Bihar Staff Selection Commission, Bihar Veterinary College Campus, Patna.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Pramod Mishra, Advocate
For the State	:	Mr. Abbas Haider, SC16
For BSSC	:	Mr. Satyabir Bharti, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 08-10-2015

Writ application has been filed by the petitioner because it is his perception that despite qualifying in the written examination of the graduate level examination of 2010, the petitioner has not been appointed. He is a scheduled caste candidate and also physically handicapped.

Counter affidavit has been filed on behalf of Bihar Staff Selection Commission. They have explained the position that the petitioner cannot claim benefit of reservation twice over both as a scheduled caste as well as a physically handicapped category. The main application is under physically handicapped category since reservation in physically handicapped is a horizontal reservation not a



vertical reservation. Appointments had been made on the basis of the merit position of candidates under the physically handicapped category of the three kinds. Petitioner has only 335 marks and the last man appointed in his category has 384 marks. He is nowhere near the merit position. Merely because he happens to be a scheduled caste and also a physically handicapped, it does not give him an exalted status or right for appointment over and above similarly placed candidates who have been given appointment on the basis of reservation available to physically handicapped.

In support of such a stand and submission of the Staff Selection Commission, a few orders by various Benches of this Court has also been annexed with the counter affidavit which surely supports the stand of the respondent Commission.

The reason for non-selection of the petitioner is his non-performance and merit position viz other candidates and not for any other extraneous reason.

Writ application, therefore, has not merit and is dismissed.

(Ajay Kumar Tripathi, J.)

Sanjay/-

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