

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12366 of 2007

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1.Santosh Kumar Thakur son of Dudh Nath Hazam R/o village and P.O. Anjorpur, Dist. Baliya (U.P)
2. Santosh Kumar Yadav son of Sudarshan Yadav R/o Anjorpur, P.S. Barhi, Dst. Baliya (U.P)

.... Petitioner/s

Versus

1 The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The D.G. cum I.G. of police Bihar. Ppatna.
3. The D.I.G. of Police Central Zone BMP, Ppatna.
4. The Commandant, BMP-20,
The S.O. Bhojpur Ara cum Chairman Constable Selection Committee, BMP-20.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Teg Bahadur Singh
Mr. Purnendu Nr.Singh

For the Respondent/s : Mr. (Gp1)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 14-01-2015 The petitioners have filed this writ petition for a direction to the respondents to consider the case of the petitioners for appointment on the post of constable in BMP-20.

Petitioners' case in short is that they applied in pursuance of advertisement No. 1/2004 for appointment on the post of constable in BMP-20. The physical test was held. The petitioners were allowed roll no.26450/BMP-20 and 26454/BMP-20 respectively. Petitioners were declared fit in selection tests and they got 16 points but their case for appointment was not considered because petitioners produced the caste certificate issued by the authority of U.P.

Learned counsel for the petitioners submits that on the same facts, learned single Judge of this Court in C.W.J.C. No. 13190 of 2000 vide

order dated 8.8.2001 has held that the persons belonging to another State cannot be discriminated on the ground that the persons does belong to the State and the benefit of reservation cannot be denied to them..

On the other hand learned counsel for the State submitted that the Division Bench of this Court has held on similar facts and circumstances that the caste certificate issued by another State cannot be taken into consideration Learned counsel for the state has submitted that the State has no objection to consider the representation of the petitioners if the petitioners had filed their representation before the BMP-20.

Learned counsel for the petitioners submits that the BMP-20 be directed to dispose of the representation of the petitioners. Accordingly, this writ application is disposed of with a direction to the D.I.G., BMP-20 Central Zone, Patna to dispose of the representation of the petitioners within a month from the date of receipt of a copy of this order.

With the aforesaid direction this writ application is disposed of.

(Prabhat Kumar Jha, J)

M.Rahman/-

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