

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17563 of 2016

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Sachin Alok Son of Shri Suresh Sah permanent resident of Village- Saradhi, P.O.- Bangalwa, P.S.- Dharhara, District- Munger, Bihar-811212, presently residing in the hosue of Shri Laxmi Mehta, Near Meena Jeweller's Shahganj Main Road, Patna- 800006, Bihar.

.... Petitioner/s

Versus

1. The Bihar Combined Entrance Competitive Examination Board, I.A. Association Building, Near Patna Airport, Patna- 800014, Bihar represented through its Chairman.
2. The Secretary, Bihar Combined Entrance Competitive Examination Board, I.A. Association Building, Near Patna Airport, Patna- 800014, Bihar.
3. The Controller of Examination, Bihar Combined Entrance Competitive Examination Board, I.A. Association Building, Near Patna Airport, Patna- 800014, Bihar, and
4. The Officer on Special Duty (PCM Group), Bihar Combined Entrance Competitive Examination Board, I.A. Association Building, Near Patna Airport, Patna- 800014, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Advocate Mr. Kumar Ravish, Advocate Mr. Saket, Advocate
For the Respondent/s	:	Mr. Vikas Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 02-12-2016

Heard learned counsel for the parties.

Petitioner has filed the writ application seeking a direction upon the Bihar Combined Entrance Competitive Examination Board to treat him in either a BC category candidate or an EBC candidate and give him the benefit of admission in the Engineering College.

The problem arose for the petitioner, because the



petitioner belonging to the “Teli” caste, declared himself to be a backward caste category person. Subsequently, he also produced a certificate of EBC on the ground that sometime in the year 2015, the State of Bihar has moved the “Teli” community from BC to EBC.

With this kind of variable caste category being declared by the petitioner, the respondent-Competitive Examination Board declared the rank of the petitioner in the general category candidate, which the petitioner gave up, insisting that he should be considered either in the BC category or in the EBC category. He further submits that there are seats vacant and, therefore, a direction should be issued in his favour for admission.

Petitioner was a candidate for admission in engineering course. He is an educated and well ranked person and if he was looking for a benefit of reservation by virtue of his caste, then he should be well aware of his status and the class he belongs to derive the benefit. Therefore. It is not for the Competitive Examination Board to investigate and find out as to which candidate belongs to which caste, especially when lacs of students are applicants and the whole processing is done on the basis of on-line declaration and filing of applications.

The examinations are over, rights have been created and, therefore, any concession, which the petitioner is looking forward to, cannot be extended to him in his individual capacity, especially when there could be other candidates as well, who may



not have been given this kind of concession to explain their omission or mis-declaration in the application form filed by them.

A benefit can accrue to a citizen, provided he has not made contributions to the situation he is in. The total confusion is a bye-product of the various declarations made by the petitioner from time to time and the respondents-Competitive Examination Board cannot be sent on a wild goose chase to find out and discover as to which class or caste the petitioner belongs, so that he can be given the benefit of reservation.

It is too late in the day, therefore, to extend any kind of relief to the petitioner at this juncture.

In view of the aforesaid facts and circumstances, writ application stands dismissed.

(Ajay Kumar Tripathi, J)

SKM/-

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CAV DATE	
Uploading Date	02.12.2016
Transmission Date	

