

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.750 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 20405 of 2010**

- =====
1. Ali Akbar, son of Md. Islam resident of village - Chhitauli, P.S. - Manjhagarh, District - Gopalganj.
 2. Pramod Kumar son of Sri Gauri Shankar Prasad, resident of village - Barauli, P.S. - Barauli, District - Gopalganj.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. Bihar Staff Selection Commission through its Secretary, Patna.
3. The Secretary, Bihar Staff Selection Commission, Patna.

.... Respondent/s

=====

Appearance:

For the Appellant/s : Mrs. Shruti Sinha, Advocate.
For the Respondent/s : Mr. Manoj Kumar Ambastha, SC-26.
Mr. Subodh Kumar, AC to SC-26.
Mr. Tripurari Nath Ambastha, AC to SC-26.

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 21-09-2016

The challenge in the present Letters Patent Appeal is to an order dated 28.02.2014 passed by learned Single Bench of this Court, whereby challenge to selection to the post of Block Statistics Supervisor, Junior Statistics Assistant remained unsuccessful.

2. Advertisement No. 1606/2006 was published inviting application for 224 posts in the Department of Statistics and Evaluation. The appellants were the candidates for such posts. The appellants belong to either Most Backward class Category or to Backward Class Category and thus applied for appointment against the posts advertised for the reserved candidates. The appellants were

informed about rejection of their candidature on 07.08.2007.

3. The appellants were not selected as they have not submitted their caste certificates; even though the notice was published in the newspaper as well as individual notices were issued to them. Since the appellants have not submitted their caste certificate, they were treated as general category and they obtained less marks than the last general category candidate. Therefore, they were not selected.

4. In a writ petition challenging their non-selection, the learned Single Bench referred to a Division Bench Judgment in the case of Harish Chandra Patel Vs. The State of Bihar & Ors., reported in 2012 (1) PLJR 397, pertaining to the same selection process. It was held that an opportunity was given to all the candidates through individual notice as well as by public notice to produce caste certificate of those candidates whose candidature was rejected. Since, notice was published within time granted, the candidature has been rightly rejected.

5. The argument of learned counsel for the appellant is that in the public notice, there is reference of Advertisement No. 1606/2006 and also the Letter No. 1354 dated 07.08.2007, whereby the requisite certificates were called for, but there is no reference to Letter No. 1642 dated 22.10.2009 as communicated to the appellant vide letter dated 20.01.2011 under the Right to Information Act.

6. A perusal of the advertisement shows that the first advertisement was published on 31.10.2009 giving opportunity to the candidates to submit requisite certificates on or before 16.11.2009. The advertisement mentions the Advertisement No. 1606 and also the memo no. 1354 dated 07.08.2007.

7. The candidates were informed that their candidature is cancelled on account of non-furnishing of the documents vide communication dated 07.08.2007 which has been appended by the petitioners as Annexure-2/A.

8. Therefore, the order of cancellation and the advertisement number were specifically mentioned in the advertisement granting another opportunity to the candidates to furnish documents. But still the appellants failed to furnish the documents. Therefore, they are rightly not entitled to any indulgence.

9. We do not find any error in the order passed by the learned Single Bench which may warrant interference of jurisdiction of this Court. Accordingly, the Present Letters Patent Appeal is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Mishra/-

AFR/NAFR	N.A.F.R
CAV DATE	N.A.
Uploading Date	28.09.2016
Transmission Date	