

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12325 of 2013

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Prince Kumar Son Of Shri Suresh Prasad Singh Resident Of Village- Birpur, P.O.-
Below, P.S.- Barbigha, District- Sheikhpura

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Convenor-Co-Ordination Committee, Patna Cum District And Session
Judge, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyan Prakash, Adv.

For the Respondent/s : Mr. Kameshwar Prasad Gupta, GP-10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-10-2016

Heard learned counsel for the petitioner and counsel for the
State.

The petitioner had applied for the post of Clerk against an
advertisement published in the daily Hindi newspaper, namely, Dainik
Jagran on 6.2.2011. Accordingly, he appeared in the written test,
qualified in the same and called for interview but, in the final merit
list, his name was not mentioned.

In the writ application, it has been stated that the last
person who was appointed in the Most Backward Category had
obtained less marks than the petitioner but, the petitioner has been
wrongly deprived from being appointed.

In the counter affidavit, learned counsel for the State has



pointed out that in the application, he has given the category of Backward Caste, not the Most Backward Case and, while making selection, competing with the Backward Caste Category, the last person who was selected under that category, has obtained higher marks than the petitioner.

Learned counsel for the petitioner has pointed out that as there was no option of the Extremely Backward Category (E.B.C.), under the wrong impression, he has given his category of Backward Category (B.C.) but, in the caste certificate, it has been mentioned his category including his caste and, as such, his case should have been considered in the light of certificate granted by the competent authority showing him in the Most Backward Category (M.B.C.).

This Court cannot pass a mandamus. The reason is that the last person in the Most Backward Category (M.B.C.) is not before this Court and any direction for appointment of the petitioner will ultimately affect the future of that candidate which cannot be perceived in the present proceeding. In that view of the matter, let this matter be referred to the Convener of the Co-ordination Committee cum District Sessions Judge, Patna who will consider the case and act in accordance with law. All the process should be done by the competent authority within a period of four months from today.

With the aforementioned observation, this application is

disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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