

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3583 of 2014

Sanjeev Kumar S/O Sri Ramawatar Sah Resident Of Village And P.O. -
Subhankarpur, P.S. - Town, District - Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna
2. Bihar Public Service Commission, Through Its Chairman, 15 Jawaharlal Nehru Marg (Baily Road), Patna
3. Secretary, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg (Bailey Road), Patna
4. Controller Of Examination, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, (Bailey Road) Patna

.... Respondent/s

Appearance :

For the Petitioner/s :	Mr. Banwari Sharma
	Mr. Shiv Kumar
For the Respondent/s :	Mr. SC-14 Dr. Anshuman
For the B.P.S.C.:	Mr. Satyabir Bharti

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 11-02-2016

Heard learned counsel for the parties.

Grievance raised in the present writ application on behalf of the petitioner is that even though he qualified in the over all examination, conducted by Bihar Public Service Commission (hereinafter referred to as "B.P.S.C." for short) for the post of Assistant Engineer (Civil) as per Advertisement No. 2 of 11, he has not been recommended for appointment and certain instances have been given that people with lesser marks have been appointed.

Learned counsel representing the B.P.S.C. points out that there is no infirmity in not recommending the name of the petitioner

for appointment, because the last person recommended in the BC category, to which the petitioner belongs, has 373 marks. So far as the present petitioner is concerned, he has only 372 marks. He has missed out by a very very narrow marks, but that by itself cannot be a ground for consideration for recommendation against any vacancy as such.

The discrimination, which the petitioner has talked about in paragraph 10, has been amply demonstrated by the counsel by submitting that the women have been given the benefit of reservation as a class apart and merely because Supriya Rani also belongs to backward category, her appointment or recommendation cannot be equated with the petitioner, who is deriving the benefit of reservation in his own class, because there is provision for women reservation in the advertisement itself.

In the opinion of the Court, the writ application has to fail, because nothing illegal as such has been pointed out. The reason for the petitioner to move the Court is to take a chance, as he has missed out on the recommendation by only one mark.

Writ application has not merit, it is dismissed, accordingly.

(Ajay Kumar Tripathi, J)

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