

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12781 of 2013

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1. Arvind Kumar Dubey Son Of Shyam Bihari Dubey Resident Of Village -
Hakimpur, P.O. Sikrawalia, P.S. Itarhi, District - Buxar

2. Manoj Kumar Upadhyay Son Of Bechu Upadhyay Resident Of Village - Balua,
P.O. Kamarpur, P.S. Buxar Muffasil, District - Buxar

.... Petitioner/s

Versus

1. The State Of Bihar Through Secretary, Labour Resource Department,
Government Of Bihar, Patna

2. The Madhya Bihar Gramin Bank, Head Office At Meena Plaza, South Of
Museum, P.S. Kotwali, District - Patna Through Its General Manager

3. The General Manager, Madhya Bihar Gramin Bank, Head Office At Meena
Plaza, South Of Museum, P.S. Kotwali, District - Patna

4. The District Employment Exchange Officer, Employment Exchange, Buxar

5. Sheoji Prasad Son Of Shivbrat Prasad Resident Of Naya Bazar (Mathiya),
Ward No.3, P.S. Muffasil (Buxar), District - Buxar

6. Rajiv Kumar Son Of Triloki Prasad Resident Of Jayee Mohalla, Purana Chowk,
Namak Gola, P.S. Muffasil, District - Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brisketu Sharan Pandey, Advocate

For the Bank : Mr. Suresh Prasad Singh No.1, Advocate

For the State : Mr. Rakesh Ambastha, AC to AAG 7

For the Respondent/s 5 & 6: Mr. Devi Das Srivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 28-09-2016

Heard the parties.

In the present writ petition, only grievance has been raised by the petitioners that private respondents are members of the reserved category candidates and employment exchange should not have added their names along with general category candidates rather they should be confined to the reserved category candidates.

Learned counsel for the petitioners submits that it is the wisdom of the candidate where he wants to go and without asking his desire to be selected in general category candidate or

reserved category candidate employment exchange committed mistake in adding the name of respondents in general category employment in service is national wealth.

Employment exchange has only duty to send certain names which are in its register. Employment exchange is not the appointing authority rather appointing authority is the authority where his name was recommended. There is no dispute that the names of the petitioners were there in the list of the recommendation of the employment exchange but petitioners are challenging the inclusion of names of private respondents in the list of general category of candidate.

It is well known principle of law that reserved category candidate can be placed with general category candidate as well as in their own category also and any reserved category candidate cannot be compelled to compete in his own category. It depends upon the performance either on educational performance or on performance in the written test conducted by the authority.

The grievance which has been raised by the petitioner has no substance. Accordingly this writ petition is dismissed.

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
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