

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12827 of 2015

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Ram Chandra Prasad, S/o late Bhengraj Prasad, R/o Mohala Shanty Bihar Colony,
road no. 26, Rajiv Nagar, P.O Keshri Nagar and P.S Digha Distt Patna Sachiv
Akhilbhartiya (Gond), Adivasi Sang, Brach Bihar Registration No. 42824.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Personnel and Administrative Reforms
Department, Govt. of Bihar, Patna.
3. The Secretary, Schedule Caste/Schedule tribe Welfare Department, Government
of Bihar, Patna.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Rewti Kant Raman, Advocate.

For the Respondent/s : Mr. Lalit Kishore, PAAG-1.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 20-12-2016

The petitioner has claimed 5% reservation for
Scheduled Tribes in the State of Bihar as against 1% provided to the
Scheduled Tribes at present.

In the counter affidavit, it has been pointed out that the
reservation has been provided under the Bihar Schedule Castes,
Scheduled Tribes and Other Backward Classes Act, 1991 as amended
by the Bihar Act 17, 2002.

The petitioner has not challenged the illegality of such
Act. Still further, what should be extent of reservation; it is for the
legislature to decide. This Court in exercise of judicial review cannot



direct that reservation should be 5% and not 1%.

The writ application is thus dismissed.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

Mishra

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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