

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10968 of 2012

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Shree Lal Safi S/O Shri Kari Safi Resident Of Village- Rahikpur, P.O.- Misroulia,
P.S.- Babu Barahi, Dist.- Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary, Department Of Personnel And Administrative Reforms, Govt. Of Bihar, Patna.
2. The Collector, Madhubani.
3. Establishment Deputy Collector, Collecteriate, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. R.K.P. Singh, Adv.

Mrs. Mira Kumari, Adv.

For the Respondent/s : Mr. K.P. Yadav, GP-11

Mr. Umesh Kumar Roy, AC to GP-11

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 22-11-2017

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

The grievance has been raised by the petitioner that the
petitioner belongs to Dhobi caste which is a schedule caste but, the
petitioner has been wrongly treated belonging to E.B.C. category,
submitted that as per government circular, he is a member of
Scheduled Caste category as Dhobi is a schedule caste.

In the year 1994, an advertisement was published for
appointment of Class-4 employees on daily wages, the petitioner was
wrongly put in the list of E.B.C. whereas he is member of the
scheduled caste, the panel was prepared in the year 2004 in which



again the same mistake was committed and has been placed in the category of E.B.C. whereas he is a member of scheduled caste. Learned counsel for the petitioner has submitted that the panel for regularization has been prepared in the year 2004, from that panel, persons including his brother, treating him as member of schedule caste have been regularized but, the petitioner was not appointed.

Learned counsel for the State has fairly submitted that it was the mistake, Dhobi is a caste comes under the Scheduled Caste Category and, in any future employment, the case of the petitioner will be considered as a member of scheduled caste. The State has further submitted that the new Rule, 2010 has been framed by the State of Bihar for appointing the Class-4 employees, now in view of the enforcement of the new rule, the old rule will cease to operate.

Normally the life of the panel is of one year, if the administration is intending to appoint from the 2004 panel is completely wrong, it cannot sustain in law and the Collector should appoint the person in terms of the 2010 rules and in the event of selection of Class-4 post under 2010 Rule, the petitioner will be treated to be a member of scheduled caste and he will be considered for appointment on the said post and the administration should not commit the same mistake by putting the petitioner under the category



of E.B.C.

It is made clear that as the petitioner is a daily wager, while making selection, he will be given relaxation of age in accordance with law.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
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