

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10214 of 2016

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Pramod Kumar Singh, son of Shri Rama Nand Singh, resident of Flat No. A - 31,
R.D. Tower, State Bank More, New Punai Chak, Patna and Patron of Bihar Tribal
Rights Forum.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, State of Bihar.
3. The Principal Secretary, Department of Personnel and Administrative Reforms,
Government of Bihar, Patna.
4. The Principal Secretary, Department of Home, Government of Bihar, Patna.
5. The Union of India through the Secretary, Ministry of Home Affairs,
Government of India, New Delhi.
6. The Department of Personal and Administrative Reforms, Govt. of India, New
Delhi.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Ranjan Kumar Jha, Advocate
For the State : Mr. Brajesh Kumar, A.C. to A.A.G.-4
For the U.O.I. : Mrs. Nivedita Nirvikar, C.G.C.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 21-02-2017

Heard learned counsel for the parties.



2. The grievance of the petitioner is that roster point 44 provided for scheduled Tribe candidates is practically redundant as such roster point can not be availed by any Scheduled Tribe candidate.

3. In the counter affidavit, it has been, *inter alia*, averred that after reorganization of the State in the year 2000, the population of Scheduled Tribes in the State stands reduced to 0.89 per cent and that the State has provided one percentage reservation for Scheduled Tribes. In the roster of 100 points, one point is reserved for Scheduled Tribes against the 44 vacancy. Since only one post has to be given to the Scheduled Tribe, therefore, the 44 point has been rightly reserved for the Scheduled Tribe candidates.

4. We do not find any merit in the grievance raised by the petitioner. In a hundred point roster, the posts have to be filled up in continuation. The roster point 44 has been reserved for Scheduled Tribe. As and when any post at roster point 44 is to be filled up, one Scheduled Tribe candidate will be appointed. It cannot be said that the first roster point has to be given to the Scheduled Tribe or the last. It is the administrative decision of the authorities as to which roster point has to be given to the category of Scheduled Tribe candidate.

5. We do not find that fixation of 44 as reserved point



for the Scheduled Tribe can be said to be wholly arbitrary which may warrant interference in the writ jurisdiction of this Court.

6. The writ application stands dismissed accordingly.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	A.F.R.
CAV DATE	N.A.
Uploading Date	01.03.2017
Transmission Date	

