

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5440 of 2017

Vinod Kumar Son of Late Munsri Prasad, Resident of Village- Kalyanpur, Madhubani, P.O.- Achaibar, Pipra, P.S.- Sidhbalia, District- Gopalganj, At present Shyam Sundar, Rita Kutir, Chutkiya Bazar, P.S.- Chowk, Patna City, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Higher Education, Government of Bihar, Patna.
2. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
3. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar Singh, Advocate
For the State	:	Mr. Hitesh Suman, AC to SC13
For BPSC	:	Mr. Sanjay Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 28-03-2018 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the respondents.

At the time of interview the petitioner was granted one month's time to obtain certificate that he is not in the category of creamy layer. The petitioner in the meanwhile obtained a certificate that he belongs to SC category, the caste to which the petitioner belongs was included in the SC category at Sl. No. 20 in the Resolution No. 9532 dated 1.7.2015.

In view of the above, learned counsel for the petitioner submits that the petitioner has become a scheduled caste vide resolution dated 1.7.2015 and as such on account of inclusion of his caste in the SC category, he ought to have been considered in



the category of SC.

This issue is no more res integra. This court has occasion to decide the issue where the court referring to the extended cut off date 5.1.2015 in submission of the application, has held out that resolution passed subsequent to the cut off date will not apply with retrospective effect and as such the petitioner cannot take advantage of the benefit of inclusion of his caste in the SC category.

In the above view of the matter, the court does not find any substance in the claim of the petitioner.

The writ petition stands dismissed.

(Anil Kumar Upadhyay, J)

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