

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12834 of 2013

Rajesh Sharma S/O Harinath Sharma Resident Of Village - Sahuka , P.S. Ramgarh, District - Kaimur

... .. Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Department Of Home (Police), Govt. Of Bihar, Patna
2. The Director General Of Police, Govt. Of Bihar, Patna
3. The Chairman, Central Recruitment Board (Police Appointment) Govt. Of Bihar, Back Harding Road, Patna
4. The Secretary, Central Recruitment Board (Police Appointment) Govt. Of Bihar, Back Harding Road, Patna
5. The District Magistrate Kaimur (Bhabhua)
6. The Superintendent Of Police, Kaimur (Bhabhua)
7. Binod Kumar Mandal S/o Kesho Mandal Resident of Village- Telge tola , Jairampur P.O. & P.S. Bihpur, District Bhagalpur.
8. Anil Kumar S/o Umesh Pandit Resident of Village- Milki Manvari, P.O. & P.S. Islampur, District Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Zaki Haider, Advocate
For the	:	Mr. Shiv Kumar, AC to G.A. 7
For the CSBS	:	Mr. Sanjay Pandey, Advocate
	:	Mr. B.K. Mishra, Advocate
	:	Mr. Vivek Anand Amritesh, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 21-02-2018 This writ petition under Article 226 of the Constitution of India has been filed for direction to appoint the petitioner on the post of Constable in view of Advertisement dated 31.05.2012.

2. Briefly stated, the facts of the case as stated in petition is that advertisement No. 01/12 dated 31.05.2012 was published by the Central Recruitment Board (Constable appointment) Government of Bihar, Patna and the petitioner being eligible



applied for his appointment and was issued Admit Card for which written test was held on 09.12.2012 and he qualified in written test. Petitioner was issued another Admit Card for physical test to be held on 21.04.2013. However due to rain same was adjourned to 30.04.2013. The petitioner qualified in physical test and was called for document verification and documents were verified and collected by respondents. However in the final result name of petitioner was not included and after enquiry he was informed that his candidature was rejected because he had submitted caste certificate as OBC whereas Lohar caste was transposed in EBC category. The Lohar caste was transposed in EBC category from BC category by resolution dated 25.03.2010. The petitioner had submitted backward caste certificate dated 17.05.2010 issued by the District Magistrate, Bhabhua for appointment to post under the Government of India which was not a valid caste certificate for appointment to the post under the State Government.

3. A counter affidavit has been filed on behalf of respondent No. 6 in which it has been stated that petitioner belongs to Lohar by caste which comes under category of extremely backward class as notification dated 25.03.2010 issued by the Personnel and Administrative Reforms



Department, Government of Bihar, as such at the time of submitting this application the applicant belonged to EBC category and, as such, his candidature was rejected.

4. A counter affidavit has been also filed on behalf of respondent Nos. 3 and 4 (Central Selection Board) The petitioner in his application form has stated that he belongs to backward class and during verification of documents the petitioner did not produce the backward class certificate in which he had mentioned in the application form of written examination, on the other hand he produced extremely backward class category certificate, as such, petitioner was disqualified and his candidature was rejected by the Board in terms of advertisement. In their counter affidavit they have also enclosed different orders passed by Single Bench and affirmed by the Division Bench regarding similar issue and writ petitions of similar nature have been dismissed by this Court.

5. It has been further submitted by way of supplementary affidavit that the last selected candidates from backward class had secured 177 marks whereas last candidate selected under EBC category had secured 147 marks.

6. It has been further submitted that all appointments pursuant to said advertisement has been completed and



thereafter fresh advertisement for selection was issued in 2014 and appointments have been made and selection process is over.

7. Considering the facts and circumstances of the present case, I do not find any merit in this writ petition and same is accordingly dismissed.

(S. Kumar, J)

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CAV DATE	
Uploading Date	
Transmission Date	

