

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5761 of 2016

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Sanjay Manjhi, Son of Ganga Manjhi, Resident of Village- Paharpur
Mushari Tola, P.S.- Paharpur, District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Motihari, East Champaran.
3. The District Welfare Officer- cum- District Programme Officer, East Champaran.
4. The Sub-Divisional Officer, Sub-Divisional - Areraj, District- East Champaran.
5. The Block Development Officer, Block- Areraj, District- East Champaran.
6. Raj Kumar Ram, Son of Rajendra Ram, Resident of Village-Dachhinra Noneya, P.S.- Paharpur, District- East Champaran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Adv.

For the Respondent/s : Mr. U.S.S.Singh, GP1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 22-03-2018 Heard learned counsel for the parties.

Although a challenge has been made on selection of respondent no.6 on the post of Vikash Mitra but no appointment letter has been enclosed, rather learned counsel for the petitioner relies upon a recommendation dated 15.4.2015 of the Block Development Officer, Paharpur addressed to the Sub-divisional Officer, Areraj, a copy of which is at Annexure 5. In reference to a letter of the Sub-divisional Officer, Areraj addressed to the District Magistrate, East Champaran at Annexure 2 dated 15.1.2016, he submits that since within the Scheduled Caste category those coming under Musahar caste constituted a majority



that the appointment should have been made from the said caste. No rule nor copy of the advertisement nor administrative instructions have been placed which would confirm the argument advanced, which in my opinion is only taken to be rejected because there cannot be reservation within a reserved category. That the reserved category coming under the Scheduled Caste category comprised of those coming under different sub-caste, if the appointment has gone in favour of either of the three sub-caste coming under the Scheduled Caste category, it cannot be questioned.

For the reasons discussed, I am not persuaded to grant indulgence. The writ petition is dismissed.

(Jyoti Saran, J)

Surendra/-

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