

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19766 of 2014

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Indal Kumar S/o Sri Ram Narain Thakur Agriculture Adviser, Bhagwanpur Panchayat, Block Riga, District Sitamarhi, Resident of Village Panchaur, P.O., P.S. and Block Riga, District Sitamarhi Petitioner

Versus

1. The State of Bihar.
 2. The District Magistrate, Sitamarhi.
 3. The District Agriculture Officer, Sitamarhi.
 4. The District Uddyan Officer, Sitamarhi Respondents
- =====

Appearance :

For the Petitioner : Mr. Satya Prakash Sinha, Advocate

For the Respondents : Mr. R.S.Singh, AC to AAG 7

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 17-07-2018

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

The petitioner has filed the instant writ petition for quashing order dated 19.8.2004, issued by the District Agriculture Officer, Sitamarhi, whereby selection of the petitioner as Agriculture Advisor of Bhagwanpur Panchayat, Block Riga, District Sitamarhi has been cancelled. Petitioner's selection has been cancelled after giving opportunity of show cause and after considering the same.

Counter affidavit has also been filed. Specific stand is that the post of Agriculture advisor for the panchayat in question was reserved by roster for Most Backward Category (herein after referred to as 'the MBC'). The petitioner has submitted a caste certificate issued by the Anchal Adhikari, Riga wherein he has been shown to be belonging to 'Lohar' caste under MBC category. The



issue was enquired into and a report was submitted by the District Welfare Officer, Sitmarhi. It was found vide Resolution No.1170 dated 25.3.2010, the caste ‘Lohar’ was not under the MBC category but was under Backward category at the relevant point of time, in the year 1999 when the caste certificate was issued to the petitioner. In fact, the Block Development Officer (herein after referred to as ‘the BDO’), Riga was the competent authority for issuing caste certificate, however petitioner has produced the caste certificate issued by Anchal Adhikari, Riga. On consideration of these facts, the caste certificate forming the basis of claim by the petitioner was bad and unsustainable and petitioner’s selection as Agriculture Advisor has been cancelled. No re-joinder has been filed denying or disputing the stand taken in the counter affidavit.

Having considered the aforesaid issues raised in the counter affidavit, this Court does not find any reason to interfere with the impugned order cancelling petitioner’s selection. The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	Na
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