

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16962 of 2015

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Sangita Kumari @ Sangeeta Devi daughter of Ram Charitra Prasad, wife of Rajesh Chaudhary resident of Village - Shivpur Sakra, P.O. - Shivpur Sakra, P.S. - Asaon, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Education Department, Bihar, Patna.
2. Director, Primary Education, Bihar, Patna.
3. District Magistrate, Siwan.
4. District Education Officer, Siwan.
5. District Programme Officer (Establishment), Siwan.
6. Block Development Officer, Ander (Siwan).
7. Block Education Officer, Ander (Siwan).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Harshvardhan Shivsundaram, Advocate
For the State	:	Ms. Anuradha Singh, SC 21
For the A.G.	:	Mr Anjani Kumar Sharan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 29-11-2018 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The issue involved in the present writ petition is whether the petitioner, who belongs to extremely backward class was rightly appointed against the post earmarked for SC category.

If the petitioner was appointed in the SC category, the appointment is per se illegal.

However, learned counsel for the petitioner submits that the petitioner has higher marks than other candidates who was accommodated in EBC category. If that is the position, the respondents have to verify the records and in order to provide justice they have to see that the persons of EBC category on account of



merit should be appointed in the EBC category and any one from EBC should not be adjusted in SC category.

Considering the dispute raised in the instant writ petition, the Court directs the respondents to verify the record and if it is found that the petitioner is on the top in order of merit of candidates of EBC category then his case should be considered for appointment against EBC category and he cannot be denied the benefit of appointment on the ground that in order to accommodate junior in the EBC category the petitioner has been adjusted against the SC category. The respondents have to take appropriate corrective measures within a maximum period of four months from the date of receipt/production of a copy of this order after giving opportunity to all likely to be adversely affected. At the same time the respondents have to ensure payment of salary if it is found that the petitioner belongs to EBC category who is legally entitled to be appointed on merit in EBC category for the period he has worked as teacher though appointed in SC category.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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