

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.489 of 2015

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Amit Kumar Son of Late Badrinath Prasad C/o-Sri Duwarikanath Prasad, Resident of Mohalla-Hasan Bazar, P.S.-Hasan Bazar, District-Bhojpur **Petitioner**

Versus

1. The State of Bihar
 2. The Secretary Bihar Staff Selection Commission Patna.
 3. Principal Secretary Food and Consumer Protection Department Patna Bihar.
 4. The Principal Secretary Personnel Administrative Reforms Department Patna Bihar.
 5. The Civil Surgeon cum-Chief Medical Officer Ara Bhojpur **Respondents**
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Appearance :

For the Petitioner : Mr. Ganpati Trivedi, Senior Advocate
For the State : Mr. Nishant Kr.Jha, AC to SC 28
For the BSSC : Mr. Satyabir Bharti, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 30-04-2018

Heard learned counsel for the petitioner as well as learned counsel for the respondents.

2. Pursuant to Advertisement No. 110 of 2010 issued by the Bihar Staff Selection Commission (herein after referred to as 'the Commission') inviting applications for the First Graduate Level Combined Competitive Examination, 2010, the petitioner had applied. He had claimed the benefits under the visually impaired category. It appears that the petitioner being selected under visually impaired category was sent to the Bihar State Food and Consumer Protection Department, Government of Bihar, wherein he was posted as Circle Inspector. He joined his post on 24.2.2014. Since, the result of the aforesaid competitive



examination was published with some discrepancy without giving due regard to the individual handicap category of the candidates, some candidates filed writ petition bearing C.W.J.C.No. 20879 of 2013. Pursuant to directions passed in the said writ petition vide order dated 15.4.2014 and in light of observations made therein, the recommendations made by the Commission was reworked and in the new recommendation petitioner's name was withdrawn as he was considered under the orthopaedically disabled category. Accordingly, the impugned order dated 5.9.2014 came to be issued by the respondent Commission.

3. During pendency of the writ petition, it appears that the matter travelled to the Division Bench. In light of orders passed in the LPA No. 70 of 2016 the entire result of all the disabled candidates was reworked. In the process, the Commission held a meeting dated 24.2.2018 (Annexure I) and resolved to amend the category of physically disablement of the petitioner from orthopaedic disablement to Visual disablement as per his original claim. His category of physically disablement has accordingly been restored to Visual disablement and it is the stand of the Commission that in view of the fresh recommendation dated 24.2.2018 and in light of order and judgment dated 2.12.2016, passed in LPA No. 70 of 2016, the petitioner has been restored to



his original claim under visually impaired category of disablement.

4. In view of such restoration of the petitioner’s category in the originally claimed visually impaired category, no further order needs to be passed in respect of the impugned letter dated 5.9.2014 (Annexure 1) withholding his recommendation. The same has ceased to have effect in light of restoration of the petitioner’s category as visually impaired candidate.

5. It is informed that the said case finally disposed of all the claims under the disabled category who had participated in the selection process. In the result, the petitioner would be entitled to the consequential benefits as decided in order dated 2.12.2016, passed in LPA No. 70 of 2016.

6. The writ petition is disposed of.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.05.2018
Transmission Date	NA

