

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.867 of 2017

In
Civil Writ Jurisdiction Case No.9364 of 2008

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Ashok Manghi @ Ashok Manjhi, Son of Dwarika Manjhi, resident of
Village- Chhaki, Police Station- Brahampur, District- Buxar.

... .. Appellant/s

Versus

1. The State of Bihar, through District Collector, Buxar.
2. The Sub-Divisional Officer, Dumraon, District- Buxar.
3. The Circle Officer, Brahmpur, Now Dumaron, District- Buxar.
4. The Commandant, Central Industrial Security Force, Unit UCIL, Jadugoda
@ Jadugola, District- East Singhbhum.
5. The Deputy Inspector, Mr. R.K. Prasad, Central Industrial Security Force,
Unit UCIL, Jadugoda @ Jadugola, District- East Singhbhum.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Nil Kamal, Advocate
For the State	:	Mr. Saroj Kr. Sharma, A.C. to A.A.G. 3

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER
(Per: HONOURABLE THE CHIEF JUSTICE)

5 22-11-2018

I.A. No. 5993 of 2017

Heard learned counsel for the applicant/appellant.

Having gone through the affidavit submitted in support thereof,
the cause shown is sufficient. The delay is condoned and the
appeal shall be treated to have been filed within time.

I.A. No. 5993 of 2017 stands disposed of.



L.P.A. No. 867 of 2017

Heard learned counsel for the appellant and the counsel for the respondent.

The impugned judgment declines relief to the appellant categorically recording that the appellant received his appointment on the post in question under the Scheduled Tribe category on the basis of a wrong Caste Certificate in spite of the fact that he did not belong to the Scheduled Tribe Category. To the contrary, he was a fisherman (Mallah Caste), which is a Caste under the Backward Class category.

We have gone through the contents of the appeal and Ground No. 4 of the appeal reads as follows:

“(IV) Whether the Hon’ble single Judge has not been properly considered that the Appellant/petitioner is a first man of his Khandan (Ancestor), need to obtained a Caste Certificate for apply job under Respondent CISE, and his (Appellant) family is uneducated and he (Appellant) is a first one passed Matric, he and his family does not know that they are ST or OBC.”

The said contention on behalf of the appellant that the appellant and his family was oblivious of his Caste is unbelievable. The fact that the appellant belongs to the Other Backward Caste remains undisputed. In view of this, no error can be found with the judgment of the Learned Single Judge.

No merits. Rejected.



It is, however, made clear that whatever emoluments have been received by the appellant during the course of his service by virtue of any such appointment or otherwise shall not be recoverable.

(Amreshwar Pratap Sahi, CJ)

(Jyoti Saran, J)

K.C.Jha/Uma/-

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