

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2713 of 2016

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Niraj Kumar Son of Lal Babu Resident of Mohalla - Ram Krishna Colony,
Bazar Samiti, Near R.K. Suman Lane, P.S. - Bahadurpur, P.O. - Mahendru,
District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The District Magistrate, Vaishali at Hajipur.
3. The District Superintendent of Education, Vaishali at Hajipur.
4. The District Education Officer, Vaishali at Hajipur.
5. The Secretary Member cum Block Development Officer (B.D.O.) Block Employment Unit Desri, District - Vaishali at Hajipur.
6. The Block Education Officer, Block - Desri District - Vaishali at Hajipur.
7. The Headmaster, Rajkiya Madhya Vidyalaya Taiabpur, Block - Desri, District - Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar No. 1
For the Respondent/s : Mr. MANISH KUMAR- GP8

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 13-03-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Learned counsel for the petitioner submits that the petitioner has applied enclosing caste certificate of BC-II category and he is not responsible for the error committed by the respondents in appointing the petitioner in SC category and as such he submits that the action of the respondents terminating the petitioner is illegal and arbitrary.

There is no dispute that the petitioner belongs to BC-II category. There is no dispute that the petitioner was appointed in



the SC category. If the petitioner has been appointed in SC category although he does not belong to SC category, then the petitioner cannot be heard saying that for the mistake of the respondents the petitioner is entitled to continue notwithstanding the fact that he belongs to BC-II category and he was appointed against SC category.

In view of the undisputed factual position that the petitioner belongs to BC-II category and he cannot be appointed against SC category, the Court does not find any error in the decision of the respondents terminating the petitioner vide order dated 7.1.2016, Annexure-18 as admittedly the petitioner does not belong to SC category and as such he cannot derive benefit of such appointment which was based on the consideration that petitioner belonged to SC category which is factually incorrect.

In view of the above, the Court does not find any merit in the writ petition. It is, accordingly, dismissed.

(Anil Kumar Upadhyay, J)

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