

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12227 of 2013

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AJAY SHARMA SON OF LATE JAG NARAIN SHARMA RESIDENT OF
VILLAGE - SIDHAULI, POLICE STATION - DEHRI, DISTRICT -
ROHTAS

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department Of Agriculture, Bihar, Patna
3. The Director, Agriculture, Department Of Agriculture, Bihar, Patna
4. The District Magistrate, Rohtas At Sasaram
5. The District Agriculture Officer, Rohtas At Sasaram

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Singh, Advocate
	:	Mr. Suresh Kumar, Advocate with Smt. Mala
		Ambust, Advocate
For the Respondent/s	:	Mr. Rishi Raj Sinha, SC-19
		Archana Prasad AC to SC 19

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 28-03-2018

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

2. Learned counsel for the State has produced
the records relating to appointment on the post of Krishi
Salahkar for the year 2010-11 in the district of Rohtas at Sasaram
for perusal of the Court and after perusing, the same is returned
to the State Counsel.

3. This writ petitioner under Article 226 of the



Constitution of India has been filed to quash the letter No. 1125 dated 15.09.2012 issued by District Agriculture Officer, Rohtas at Sasaram (respondent No. 5) by which he has terminated the petitioner from the post of Kisan Salahkar.

4. Briefly stated, the facts of the case is that the Agriculture Department, Government of Bihar, Patna issued advertisement for filling up post of Kisan Salahkar on 10.04.2010 and petitioner also submitted application for the said post under backward class category as petitioner belongs Lohar caste which came under backward class Annexure-1. The provisional merit list was published in which in the remark column it was stated that petitioner has not produced the caste certificate issued by competent authority. Petitioner had appeared in counseling held on 24.06.2010 but could not produce caste certificate, although he had applied for the same but same was not granted to him. It is relevant to state here that the caste of petitioner was included in the list of extremely backward class by the Government of Bihar.

5. After obtaining his caste certificate petitioner submitted an application on 04.02.2011 and on 07.02.2011 merit list was published in which name of the petitioner was at serial No. 127 in which petitioner was included in the backward class



category. The petitioner was selected for the post of Kisan Salahkar and he was posted under Gangauli Panchayat Raj under Dehri Block of Rohtas District and he joined the post on 12.03.2011. A new list was published by respondent No. 5 of selected Kisan Salahkar in which name of petitioner was not included and objections, if any, were invited with respect to new selection list and petitioner submitted his objection on 08.09.2012 and 28.09.2012 that he belongs to extremely backward class and he was wrongly shown in backward class and he submitted that he should be considered under the category of extremely backward, however, same was not considered and claim of petitioner was rejected. Petitioner was removed from the post on 15.09.2012 and he received termination letter on 13.02.2013. Earlier the caste Lohar was included in the backward list, however subsequently it was included in extremely backward class.

6. A counter affidavit has been filed on behalf of respondent in which it has been stated that petitioner had applied on the post declaring himself as a candidate of backward class and as such the merit list was prepared, his name was included in backward class and he was selected in the said category. The writ petition being C.W.J.C. No. 20421 of 2011



was filed by one Taresh Ranjan challenging his non-selection in the category of backward class and same was disposed of on 23.11.2011 with a direction to the District Magistrate and District Agriculture Officer to dispose of the representation of Taresh Ranjan expeditiously and in compliance of said order the District Magistrate, Rohtas in Misc. Appeal (Kisan Salahkar) case No. 01 of 2012 found that Smt. Sandhya Kumari and Smt. Kumari Kanchan Singh ought to have been selected in backward class category and by order dated 23.07.2012 and 30.07.2012 directed the respondent No. 5 to rectify the selection list and as such, petitioner was removed from the list.

7. It has been submitted on behalf of the petitioner that as the category of petitioner has changed from backward class to extremely backward class and there are many unfilled vacancies of extremely backward class as such, his candidature may be considered against the vacancies of extremely backward class. The writ petition is disposed of with a direction to District Agriculture Officer, respondent No. 5 to consider the claim of petitioner under extremely backward class and if found suitable and eligible he may be considered for appointment on the post of Kisan Salahkar under extremely backward category within three months from the date of receipt/production of a copy of



this order of this Court.

8. This writ petition stands disposed of.

(S. Kumar, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

