

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12983 of 2014

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Manish Kumar S/o Shri Ramnandan Prasad, resident of village- Chanpatia, Ward
No. 3, P.S.- Chanpatia, Distt- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna, Bihar
2. The Secretary, Rural Development Department, Govt. of Bihar, Secretariat Building, Patna
3. Shri Sanjay Krishan, Officer on Special Duty, Rural Development Department, Govt. of Bihar, Secretariat Building, Patna
4. The District Magistrate, West Champaran, Bettiah
5. The Deputy Development Commissioner, West Champaran, Bettiah
6. The DRDA, West Champaran, Bettiah

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Kumar, Advocate
Mrs. Smita Prasad, Advocate

For the Respondent/s : Mrs. Ratna Kumari, AC to AAg 2

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 10-07-2018

Heard learned counsel for the petitioner and the respondent
State.

2. The writ petition has been filed seeking a direction upon
the respondents to appoint the petitioner under physically
handicapped category in the selection process.

3. It is submitted that amongst the 32 persons selected for
District West Champaran, in the selection process undertaken by the
Rural Development Department, Government of Bihar for
appointment of Assistant and Accounts Assistants under Indira Aawas



Yojana, none of the PH (physically handicapped) category has been appointed. He has referred to the final selection list of the process with respect to District Patna to show that one person has been appointed under the physically handicapped category at Serial no. 31.

4. The respondents have filed their counter affidavit in this case. The specific stand of the respondents is that in light of the idle roster under letter no. 458 dated 30.09.2002 for the purpose of taking the benefit of reservation of orthopedically and physically handicapped by leg, the petitioner being orthopedically is not eligible within 1-32 seats sanctioned by the State Government. The issue has been clarified by annexing the gazette notification Annexure B dated 01.02.2007 which is the decision with regard to reservation on roster point wherein different roster point has been fixed for different categories of handicapped.

5. It is submitted that with reference to the roster point fixed for physically handicapped persons in the category of the petitioner the petitioner does not become entitle for getting the benefit of reservation when the selection process like the instant one has been done for only 32 seats. As per the said gazette notification, the roster points fixed for appointment of physically handicapped persons is much below 32 seats and therefore, the petitioner has no right to be considered.



6. Though copy of the said counter affidavit has been served on the counsel for the petitioner way back on 18.08.2015, till date no rejoinder has been filed.

7. Considering the aforesaid circumstances, this Court would find that in the process of selection leading to selection of 32 candidates, petitioner was beyond the zone of consideration as the roster point for orthopically/physically handicapped persons was below 32. The petitioner has no enforceable claim.

8. The writ petition is devoid of any merit and the same is dismissed.

(Madhuresh Prasad, J)

Prakash/-

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CAV DATE	
Uploading Date	
Transmission Date	

