

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2776 of 2018

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Chandan Kumar, Son of Ramanand Prasad, Resident of Village- Dumra, P.S.-
Koanch, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Science & Technology,
Department, Bihar, Patna.
2. The Secretary, Bihar Public Service Commission, Patna.
3. The Joint Secretary-cum-Examination Controller, Bihar Public Service
Commission, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate
For the Respondent/s : Mr. H.S. Goldie, AC to GP6
For the Commission : Mr. Sanjay Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 04-05-2018

Heard learned counsel for the petitioner and the
respondents.

2. The only issue raised in the present writ application
is what was the category of reservation of the petitioner at the time of
submission of application.

3. Learned counsel for the petitioner submits that on
the date of submission of application the petitioner caste was
categorized as Backward Class, but on the date of counseling his caste
was notified in the Extremely Backward Class category and as such
he submits that the respondent Commission is required to consider the
candidature of the petitioner in EBC category.



4. The law in this regard is well settled, the Apex Court in the case of **P. Mahendran & Ors. vs. State of Karnataka & Ors.** reported in **AIR 1990 SC 405** held out that the rule applicable on the date of submission of application will govern the case and in view of the above, the case of the petitioner was categorized as Backward Class category and as such the subsequent change in the category from Backward Class category to Extremely Backward Class category will not confer any benefit in the selection process as Extremely Backward Class category candidate.

5. The Court does not find any error in the decision of the Commission treating the petitioner in the Backward Class category, as on the date of submission of application, the caste of the petitioner was in the Backward Class category.

6. Accordingly, the writ application is dismissed, as there is no merit.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.05.2018
Transmission Date	

