

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2057 of 2019

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Jyoti Jaiswal, aged 40 years (Female), W/o Ravish Kumar, D/o Prakash
Chandra Jaiswal, R/o Kailash Kunj Maurya Path, P.S. Shashtri Nagar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Home,
Government of Bihar, Main Secretariat, Patna.
2. The Principal Secretary, Department of General Administration, Govt. of
Bihar, Main Secretariat, Patna.
3. The Bihar Police Sub Ordinate Service Commission, Santosh Mansion, B
Block near RPS Law College, Raghunath Path, Danapur, Patna through the
Chairman.
4. The Chairman of the Bihar Police Sub Ordinate Service Commission, Santosh
Mansion, B Block near RPS Law College, Raghunath Path, Danapur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Adv.

For the Respondent/s : Mr. Md. N.H. Khan (SC1)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 07-02-2019

The petitioner had applied for being considered
for selection to the post of Sub-Inspector of Police against
an Advertisement No. 1 of 2017. The petitioner had all the
requisite qualification to apply and she falls in the category



of Backward Caste candidate. However, due to inadvertence, the petitioner applied for the said post, showing herself as a candidate under the Extreme Backward Class Category. On coming to know about the aforesaid mistake in filling the form, the petitioner made an application for correction of the same, otherwise, according to the terms of the advertisement, she would be treated as a General Category candidate.

2. This is a *bona fide* mistake on the part of the petitioner as has been argued. There is a serious apprehension in the mind of the petitioner that if the correction is not allowed to be carried out in the form, the petitioner would be left out of the zone of consideration. The learned counsel for the petitioner has submitted that such information about caste was vital to the petitioner being considered with a weightage. Having made a wrong representation, it would extinguish the claim of the petitioner and she would have to be content with her consideration as a candidate of General Category.

3. It appears that only because of inadvertence,



the petitioner has made a wrong entry in the application form.

4. This Court is reminded of the view of the Supreme Court in the case of *Ram Kumar Gijroya Vs. Delhi Sub-Ordinate Services Selection Board & Anr.* [AIR 2016 SC 1098], wherein it has been held that one has to keep in mind the objectives behind the post of Scheduled Castes and Scheduled Tribes categories as per constitutional mandate prescribed under Articles 14(4) and 16(4), which are enabling provisions authorizing the Government to make special provisions for persons of Scheduled Caste and Scheduled Tribes categories. Articles 14(4) and 16(4) of the Constitution of India, therefore, intend to remove social and economic inequality to make equal opportunities available in reality. In the aforesaid case, the relevant information/certificate was produced/furnished later than the cut-off date with the effect that there was no consideration over such certificate of caste. The same was not permitted and the respondent/Selection Board was directed to consider the case of the petitioner therein.



5. In the aforesaid circumstances, the petitioner is permitted to make a representation before the Chairman, the Bihar Police Sub-Ordinate Service Commission, Patna, Bihar (respondent No. 4) within a period of two weeks from the date of receipt/production of a copy of this order, which representation shall be disposed off by the respondent No. 4 within a period of four weeks thereafter by a reasoned order.

6. The aforesaid concession is being given to the petitioner only on her assertion that the appointment process has still not been concluded.

7. With the aforesaid direction and observation, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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