

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2084 of 2019

Md. Shawaj Ansari @ Shawaj Ansari S/o Md. Seraj Ansari @ Seraj Ansari
Vill.-Khalalpura Madarsha Gali, P.O.- and P.S.- Phulwarisharif, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Deptt., Govt. of Bihar, Patna.
2. The General Manager Bihar State Power (Holding) Company Ltd., A Govt. of Bihar Undertaking, General Administration Deptt., Vidhut Bhawan, Patna
3. The Managing Director Bihar State Power (Holding) Company Ltd., A Govt. of Bihar Undertaking, General Administration Deptt., Vidhut Bhawan, Patna
4. The H.R.A.D.M. Bihar State Power (Holding) Company Ltd., A Govt. of Bihar Undertaking, General Administration Deptt., Vidhut Bhawan, Patna
- 5.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amit Srivastava Advocate Mr. Sanjeev Nikesh Advocate
For the Respondent/s	:	Mr. P.K.Verma AAG-3 Mr. Sanjay Kumar Ghosarvey AC to A.A.G. - 3
For the BSPHC	:	Ms. Soni Shrivastava Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 07-02-2019

Heard Mr. Amit Srivastava, learned counsel for the petitioner; Ms. Soni Shrivastava, learned counsel for the Bihar State Power Holding Company Limited; and Mr. Sanjay Kumar Ghosarvey, learned counsel for the State.



The petitioner seeks a direction to the respondents to treat and consider the petitioner in EBC category to which he belongs, for the purposes of his appointment in the Corporation for which advertisement was issued on 17.09.2018.

It appears that the petitioner, pursuant to the advertisement, had applied for consideration of his case for being appointed. However, because of inadvertence, he described himself as falling in BC category, though he is a person belonging to EBC category. No sooner the petitioner realized his folly, he made an application for correction of the same.

It has been submitted on behalf of the petitioner that on-line application for correction in the application form could not be made because of some problem in the server on the particular date. A manually written application was made before the concerned authority but the petitioner was not communicated any response over such application.

Learned counsel for the petitioner has submitted that such an effort was made by the petitioner when the process of appointment had not yet been completed.



It appears that the petitioner has been treated as a candidate of BC category. Had he been treated in the category to which he belongs, namely, EBC category, he would have crossed the rubicon so to say, the cut off marks. The petitioner has obtained more marks than the cut off marks for EBC category.

Under the aforesaid circumstances, this Court can only direct that if the process of selection has not been finally completed and there are still vacant / sanctioned posts available, for which the petitioner had applied, the case of the petitioner be considered, should he file a representation in that regard within a period of two weeks from today before the General Manager, Bihar State Power Holding Company Limited, Patna. On receipt of such representation and on verification of all the attendant facts and circumstances, the representation shall be disposed off by a reasoned order within a period of eight weeks thereafter.

Needless to reiterate that any order directing for consideration of the case of the petitioner would be dependent



on the availability of such post and process not having been completely set at rest, as on date.

With the aforesaid observation / direction, this writ petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	12.02.2019
Transmission Date	

