

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1393 of 2019

Mr. Appu Raja, Son of Mrigendra Narayan Singh @ Mrigendra Singh @ Mrigendra Prasad Singh @ Mrityunjay Prasad Singh, Resident of Village and Post Office- Narha, Police Station- Mejorganj, Block- Suppi, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Department of Agriculture Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary Department of Agriculture Government of Bihar, Old Secretariat, Patna.
3. The Secretary, General Administration Department, Government of Bihar, Old Secretariat, Patna.
4. The Secretary, Agriculture and Animal Husbandry, Government of Bihar, Old Secretariat, Patna.
5. National Mission of Agriculture Extension and Technology (NMAET) Through Bihar Agriculture Management and Extension Training Institute (BAMETI) Near CPRS, opposite Women Polytechnic, P.O. - B.V. College, Jagdeo Path, Patna -14, Bihar.
6. Bihar Agriculture Management and Extension Training Institute (BAMETI) Through its Director Near CPRS, opposite Women Polytechnic, P.O. - B.V. College, Jagdeo Path, Patna -14, Bihar.
7. The Selection Committee through its Chairman The District Magistrate Sitamarhi.
8. The District Magistrate Sitamarhi cum Chairman, Aatma Shasi Parshad, Sitamarhi.
9. Deputy Development Commissioner, District- Sitamarhi.
10. Deputy Director, Horticulture cum Member of Selection Committee, Sitamarhi.
11. District Animal Husbandry Officer, Sitamarhi.
12. Nominated Member, From SC ST Caste Category, Selection Committee, Sitamarhi.
13. Project Director, Aatma Niyojan Pradhikar, District Sitamarhi being Secretary of Selection Committee, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate.
For the Respondent/s : Mr. Dhurjati Kumar Prasad (Gp14)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 23-01-2019

Heard learned counsel for the petitioner and the
State.



2. The petitioner who is an applicant for being considered for appointment as Assistant Technical Manager (Block Level) in Bihar Agriculture Management & Extension Training Institute (BAMETI) and who happens to be the grand-son of a freedom fighter has approached this Court with an apprehension in his mind that the Government will not stick to its resolution of providing 2% reservation to wards of freedom fighters.

3. *Prima facie* such apprehension is misconceived. The contents of the online advertisement clearly spell out that reservation of 2% shall be provided to such applicants if found to be under the category and for which necessary certificates endorsed by the District Magistrate of the particular district is furnished.

4. The apprehension in the mind of the petitioner is only because there is no such column in the online application form for filling up such requirement of being a ward of a freedom fighter hailing from the same district from which the applicant hails.

5. The online forms requires an applicant to fill up other requisite information.

6. For an applicant to avail of the policy of reservation of 2% (Horizontal Reservation), necessary certificate is required to be furnished in that regard by each applicant. For furnishing of certificates, there cannot



be any column in the online form. It presupposes that if any person has to avail of the benefit of such resolution of the Government regarding reservation, necessary certificate shall be furnished. It appears that the petitioner's apprehension that he shall not be given the aforesaid weightage is perhaps because necessary certificate has not been furnished by him.

7. In any such event, in order to allay the apprehension in the mind of the petitioner, this Court directs that the petitioner may file a representation before respondent no. 7, the District Magistrate, Sitamarhi who is the Chairman of the Selection Committee and apprise him that he is a ward of freedom fighter and has applied for the post of Assistant Technical Manager (Block Level). The District Magistrate shall look into the fact and pass on necessary information to the concerned desk.

8. Needless to state that if the requirement is of annexing relevant certificates which has not been done by the petitioner, it would be open for the District Magistrate to decide whether to accept the candidature of the petitioner in that event for the purposes of giving him reservation in the category of ward member of a freedom fighter.



9. The petitioner may file his representation before the concerned authority within a period of one week from today.

10. With the aforesaid direction/observation, the writ petition is disposed off.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.01.2019
Transmission Date	

