

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7661 of 2019**

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Ramesh Kumar Sharma S/o Ram Chandra Sharma @ Ram Chandra Thakur  
Vill.- Kushiari, P.S.- Chakmehsi, Distt.- Samastipur

... .. Petitioner/s

Versus

1. Life Insurance Corporation of India through its Chairman
2. Senior Divisional Manager, Divisional Officer, Life Insurance Corporation of India, Muzaffarpur
3. Personnel Manager Divisional Officer, Life Insurance Corporation of India, Muzaffarpur

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate  
For the Respondent/s : Mr. Rakesh Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL JUDGMENT**

**Date : 08-05-2019**

The petitioner seeks his reinstatement in service from which he was terminated on the ground of his having been appointed wrongly on the schedule tribe quota.

2. It appears that the petitioner was appointed provisionally on schedule tribe quota as the petitioner hailed from caste *Lohar* (blacksmith). After the decision of the Supreme Court in Nityanand Sharma & Anr versus State of Bihar & Ors, 1996(2) PLJR 37, caste *Lohar* was not found to be included in the schedule tribe



community in the State of Bihar. Taking into account the aforesaid decision of the Supreme Court, the petitioner was terminated from the service.

3. Much later i.e. in the year 2016, the Government of Bihar came out with another notification which included caste *Lohar* in the category of schedule tribe communities in the State of Bihar.

4. The application of the aforesaid notification is prospective and not retrospective. Apart from this, the order of termination is of the year 1997 which was affirmed, on challenge by the petitioner in C.W.J.C. No. 6689 of 1997 on 20.05.1998.

5. Thus, there is no merit in the writ petition and therefore, it is dismissed.

**(Ashutosh Kumar, J)**

Shageer/-

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| AFR/NAFR       | NAFR       |
| CAV DATE       | NA         |
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