

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7564 of 2019

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Angad Kumar, aged about 29 years (M), Son of Sri Ghanshyam Prasad Sah,
R/o Village - Jagarnathpur, P.O. - Rupsa, Gram Panchayat - Jagarnathpur, P.S.
- Rajoun, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Panchayat Raj Department,
Government of Bihar, Patna.
2. The Principal Secretary, Panchayat Raj Department, Government of Bihar,
Patna.
3. The Director, Panchayat Raj Department, Government of Bihar, Patna.
4. The District Magistrate, Banka, District - Banka.
5. The District Panchayat Raj Officers Banka, District - Banka.
6. The Block Development of Officer, Rajoun, District - Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.
For the Respondent/s : Mr. Ajay (GA5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 17-06-2019

The petitioner is aggrieved by the non-inclusion
of his name in the merit list for being appointed on the post
of Accountant-cum-IT Assistant on contractual basis under
Mukhya Mantri Gali Nali Pakkikaran Nischaya Yojana.



2. It is the case of the petitioner that altogether 2096 posts of Accountant-cum-IT Assistant had been floated with reservation policy. Persons falling in EBC category having lesser percentage of marks have been selected to the exclusion of the petitioner.

3. Mr. Ajay, the learned counsel for the State, however has pointed out from the records that the petitioner applied for the aforesaid post in the district of Banka where five seats were earmarked for EBC candidates. The last candidate in the EBC category has secured higher marks than the petitioner. In that event, there cannot be any rightful claim of the petitioner for being appointed on such post on contractual basis.

4. However, Mr. Sharda Nand Mishra, the learned Advocate for the petitioner, submits that there is a special quota for women and it was not proper for the authorities to have included a women candidate under the EBC category.

5. The aforesaid argument of the petitioner is fallacious for the reason that reservation for women is a



horizontal reservation and if a woman falls in the category of EBC and such post goes to her, the other candidate having lesser marks cannot claim against the aforesaid induction of a woman against the reserved category. Thus, so far as the claim of the petitioner is concerned, the same is non-existent.

6. However considering the qualification of the petitioner and taking into account his desire to be part of such project, it would be open for him to approach the District Magistrate, Banka (respondent No. 4) within a period of eight weeks from today along with a representation to consider his case if the selection process is not yet over and if any vacant position is pending. The District Magistrate, Banka, on receipt of such representation, shall look into the matter and consider the feasibility of considering the candidature of the petitioner for being inducted in the aforesaid project.

7. This Court reiterates that no positive direction has been issued to the District Magistrate, Banka to offer the petitioner any appointment, but the direction is only to



consider his case in the event of the posts remaining vacant
and there being necessity of fulfilling such post for the
effective implementation of the project.

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

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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