

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13438 of 2019

=====

Kumar Shiv Rajan, aged about 24 years (M), Son of Shri Nasib Lal Yadav,
Resident of Village-Bholirahi, P.O. Firozgarh, P.S. and Village- Ghoghardiha,
District- Madhubani, PIN- 847202.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Panchayat Raj Department, Bihar, Patna.
3. The District Level Selection Committee for appointment of Technical Assistant and Accountant-cum-IT Assistant, Madhubani through its Secretary-Cum-District Panchayati Raj Officer, Madhubani, Collectorate, Madhubani.
4. The District Magistrate-cum-Chairman, District Level Selection Committee for Appointment of Technical Assistant and Accountant -cum-IT Assistant, Madhubani Collectorate, Madhubani.
5. The Deputy Development Commissioner-Cum-Vice Chairman, District Level Selection Committee for Appointment of Technical Assistant and Accountant-cum-IT Assistant, Madhubani Collectorate, Madhubani.
6. The District Panchayati Raj Officer-Cum-Secretary, District Level Selection Committee for Appointment of Technical Assistant and Accountant-cum-IT Assistant, Madhubani Collectorate, Madhubani.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Navendu Kumar, Adv.
For the Respondent/s : Mr. Kameshwar Prasad Gupta, GP-10

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 08-07-2019



The petitioner is aggrieved by the fact that he has not been selected for appointment on the post of Technical Assistant for implementation of certain Government projects.

2. It has been submitted on behalf of the petitioner that under a resolution of the Government, it was decided that the Technical Assistants and Accountants-Cum-I.T. Assistants would be appointed on contractual basis for implementation of various Government projects. In such appointments, reservation policy was to be followed. The petitioner having requisite qualifications, applied under the backward caste category.

3. It has been averred on behalf of the petitioner that 12 seats were earmarked for backward category. 4 seats out of the 12 seats were required to be given to the women candidates in the backward category because of the reservation for women which had to be implemented horizontally. In the rest of the seats, the last person selected in the backward category had 75.19% of marks, whereas the petitioner has obtained 76.62%. It has



thus been alleged by the petitioner that he has wrongly been shut out from being selected for such post, even though he has higher marks and has obtained more points than the last candidate in the respective category of backward caste.

4. It has also been submitted on behalf of the petitioner that when counseling was held on 17.11.2018, he was made to understand that there was some ambiguity in the marks sheet. All the documents were furnished by the petitioner in time and no ambiguity or doubt was found with respect to the candidature of the petitioner otherwise. It, therefore, appeared to the petitioner that his exclusion from being selected and appointed was without any reason. The petitioner, therefore, made a representation before the District Magistrate-Cum-Chairman, District Level Selection Committee, Madhubani, but the same has not yet been adverted to.

5. Under the aforesaid circumstances, this Court directs the petitioner to make a fresh representation before the District Magistrate-Cum-Chairman, District Level Selection Committee, Madhubani (respondent No. 4) within a



period of two weeks from today, who, on receipt of the same, shall look into the matter and pass a reasoned order in accordance with law within a further period of six weeks thereafter.

6. With the aforesaid direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.07.2019
Transmission Date	N/A

