

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15005 of 2019

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Anushuchit Jati/Janjati Adhivakta Kalyan Samiti Patna, Bihar through its President Sadanand Paswan aged 49 years, Gender Male, S/o Late Raj Kumar Paswan, resident of Village/Mohalla Chitkohra Shivpuri, PO Anisabad, P.S. Gardanibagh, Distt.-Patna (Bihar) Pin Code- 800002. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary (Higher Education), Govt. of Bihar, Patna.
3. The Director (Higher Education), Govt. of Bihar, Patna.
4. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
5. The Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, Patna.
6. The Director, Research and Training Education Department, Govt. of Bihar, Patna.
7. The Chairman, University Grant Commission (UGC), Bahadur Shah Zafar Marg, New Delhi-110002. Respondent/s

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Appearance :

For the Petitioner/s : M/s Satish Kumar Sinha and Nityanand, Advs.
For the Respondent/s : Smt. Shilpa Singh, GA 12
Abhanjali, AC to GA 12, Mr. Vikash Kumar, Adv.,
Mr. A. Nath Verma, SC to UGC

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

2 26-08-2019 Heard learned counsel for the petitioner and the learned counsel for the respondents.

2. In this case, the petitioner is a registered Organisation, having Registration no.1034/2016, complaining that an Advertisement no.2/2016 was published for selection of Lecturer in the Government Teachers Training College. The complain has been made that the said Advertisement does not provide relaxation of percentage of marks for scheduled caste



and scheduled tribe candidate, uniform 55% of marks has been made essential qualification. It has been submitted that in all other examinations, relaxation of 5% for scheduled caste and scheduled tribe is available, but in this Advertisement, no such relaxation has been granted. It has further been submitted that the petitioner had approached to the Government for granting some relaxation for SC/ST candidates, the Chief Minister also assured relaxation during the discussion, which has been published in the different newspapers, on that strength, the counsel for the petitioner submits that the Government has agreed to grant relaxation of 5% with a prospective effect, but no such executive letter has been issued either by the Government or by the University Grants Commission.

3. The counsel for the University Grants Commission submits that for maintaining uniform standard, the minimum 55% of marks is essential qualification as per University Grants Commission/NCTE in order to maintain the standard of each college. The Bihar Reservation of Vacancies in Posts and Services (for Scheduled Castes, Scheduled Tribes and other Backward Classes) Act, 1991 does not prescribe any relaxation in percentage of marks, but only talks about the reservation in post in different percentages for different class/caste.



4. In such view of the matter, this Court does not find any merit in the present case and the same is, accordingly, dismissed.

(Shivaji Pandey, J)

(Partha Sarthy, J)

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