

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15971 of 2019

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Ashish Kumar Son of Ganesh Chaurasia Resident of Village - Nayatola,
Rampatti, Durga Chauk, Ward No. 09, P.S.- Singheshwar, District-
Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Police Department, Govt. of Bihar, Old Secretariat, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Additional Director General of Police, Bihar, Patna.
4. The Inspector General of Police, Bihar, Patna.
5. The Bihar Police Sub-Ordinate Service Commission, Patna, through its Chairman, Santosh Mansion, B. Block, Near R.P.S. Law College, Raghunath Path, Danapur, Patna- 801503.
6. The Chairman, The Bihar Police Sub-Ordinate Service Commission, Patna, Santosh Mansion, B. Block Near R.P.S. Law College, Raghunath Path, Danapur, Patna- 801503.
7. The Secretary, The Bihar Police Sub-Ordinate Service Commission, Patna, Santosh Mansion, B. Block, Near R.P.S. Law College, Raghunath Path, Danapur, Patna- 801503.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chandramauli Chaurasia, Advocate
For the Respondent/s	:	Mr. Md. N.H. Khan (SC 1)
For the Commission	:	Mr. Kunal Tiwari, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 14-08-2019

Heard Mr. Chandramauli Chaurasia, learned
counsel for the petitioner and Mr. Kunal Tiwari, Bihar
Police Sub-Ordinate Service Commission.

2. The petitioner had participated in the process
of recruitment against Advertisement No. 1 of 2017 and
was successful at all stages but was declared unsuccessful



finally because of his being treated in General category when he ought to have been accorded the reservation under the EBC category.

3. It appears from the pleadings of the petitioner that at the time of filling up of his form, he had given a declaration that he hails from Backward Caste. Later, when an option was given to such aspirants/applicants who had made any wrong disclosures to correct the same, the petitioner made an application for the correction but such application was made only after the due date fixed by the Commission.

4. The cause of delay has been tried to be explained by the petitioner by stating that only very recently, the category of EBC has been carved out from Backward Caste category and therefore there was some delay in making such representation. He further submits that his caste gets attached to him by his birth and merely because the application for correction of his caste status to avail of the benefits of the reservation beyond time, the



claim could not have been rejected merely on the ground of late submission of the form seeking correction in the disclosure about caste. He further submits that had he been allowed to be treated as Backward Caste category, then also he would have been successful on the basis of his performance. The last of the submissions urged on behalf of the petitioner is that even today, 52 posts are still vacant and the petitioner may be considered for being adjusted against those vacant seats by giving him the benefits of reservation to the EBC category.

5. As opposed to the aforesaid contention, Mr. Tiwari, learned advocate for the Commission has submitted that the recruitment process is over and if at all any vacancy is available, the same would be carried over to the next recruitment process. It has further been submitted that the next recruitment process has already been signalled. He further submits that according to the terms of the advertisement, if there is a mismatch in the category of reservation and which has not been rectified



within the time provided by the Commission, the candidate in such instance, would be treated as a general candidate and no weightage shall be given to him under any reservation policy. He submits that if the declaration in the form is wrong, then it falls in the domain of the Commission to even reject such application outrightly.

6. In any view of the matter, the petitioner has represented before the Chairman of the Commission for being considered for appointment on the post of Police Sub-Inspector.

7. The petitioner is permitted to make a fresh representation before the Secretary of the Commission (respondent no. 7) within a period of four weeks, who, on perusal of facts and after affording hearing to the petitioner, shall pass a reasoned order in accordance with law without being prejudiced in any manner by the fact that this writ petition has not been entertained for issuing any mandamus. It is again made clear that this Court has expressed no opinion on the merits of the claim of the



petitioner. However, if such a representation is filed, it shall be disposed off, preferably within a period of three months of the receipt of the representation, by a reasoned order.

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

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.08.2019
Transmission Date	

