

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1135 of 2018

In
Civil Writ Jurisdiction Case No.2879 of 2016

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Manoj Kumar Son of Rajesh Vishwakarma, Resident of village Gewal Bigha,
Near Munni Maszid Balipur, P.S.- Civil Lines in the District of Gaya

... .. Appellant/s

Versus

1. The State Of Bihar through the Secretary, Department of Law, Government of Bihar, Patna.
2. The Appointment cum Selection Committee, Gaya Civil Court, Gaya
3. The District and Sessions Judge, Gaya
4. The Hon'ble Patna High Court through the Registrar Patna High Court, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Braj Nandan Kumar Tiwary, Adv.

For the High Court Mr. Bindhyachal Singh, Adv.

Ms. Smriti Singh, Adv.

For the State : Mr. Gyan Prakash Ojha -GA-7

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

8 27-02-2020 Heard learned counsel for the appellant, learned
counsel for the High Court and learned counsel for the State.

In this case, an advertisement bearing no. 02 of 2003
was published for the appointment of Class IVth employees in
Gaya Civil Court.

The petitioner was also one of the applicant for the
said post but, he could not be selected led to filing the writ



petition bearing C.W.J.C. No. 6575 of 2007. The matter was remitted back to the District and Sessions Judge, Gaya for looking and taking the decision in the matter. The District and Sessions Judge, Gaya has misdirected himself thereby treated the appellant to have applied in the Scheduled Tribe category as he had not produced that certificate, thus he was not given any benefit. But, in fact, the appellant is by caste Lohar, falls in the Extremely Backward Class category supported by caste certificate attached by him. Two posts were earmarked for the E.B.C. category, on inquiry conducted by the learned Single Judge, it was found that no post was available for his accommodation as two persons namely Shailender Kumar at serial no. 56 and Awadesh Kumar at serial no. 57 who were appointed as a Class IV employee under the said category are in better footing as having secured more marks. Though, mistake has been committed by the District and Sessions Judge, Gaya to treat him Schedule Tribe category whereas the appellant belongs to Lohar caste attached the certificate falling in the Extremely Backward Class. On merit, the appellant could not have secured his position in the Extremely Backward Class category.

In such view of the matter, we do not find any merit in this appeal. Accordingly, the same is dismissed. However,



liberty is given to the appellant may try his luck, if fresh advertisement is published.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

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