

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6173 of 2021

1. Saurav Kumar Son of Sri Sanjay Saini, Resident of Mali GaliPulpar, P.O. and P.S.-Sheikhpura, District-Sheikhpura, Bihar-811105.
2. Birendra Kumar Vikram, Son of Yamuna Prasad Mandal, Resident of At Masarhu, P.O.-Mamalkha, Sabour, District-Bhagalpur, Bihar-813210.
3. Md. Hasnain Alam, Son of Md. Islam Alam, Resident of Mohalla-Abhiyana, P.O. and P.S.-Islampur, District-Nalanda, Bihar-801303.
4. Sanjeet Kumar, Son of Rameshwar Prasad, Resident of Village-Heganpura, P.O.-Sohsarai, P.S.-Noor Sarai, District-Nalanda, Bihar-803118.
5. Santu Kumar, Son of Suresh Mahto, Village and P.O.-Shivnar, P.S.-Mokama, District-Patna, Bihar-803302.
6. Denesh Kumar Sharma, Son of Umesh Mistri, Resident of Village and P.S.-Siur, P.S.-Roh, District Nawada, Bihar-805107.
7. Omprakash Pal, Son of Jawahar Pal, Resident of Village-Betari, P.O. and P.S.-Bhabhua, District-Kaimur at Bhabhua, Bihar-821101.
8. Sunil Kumar Singh, Son of Bhagvan Singh, Resident of Village-Sudhuriyan, P.S.-Karghar, District-Rohtas, Bihar-821107.
9. Vishal Kumar, Son of Sanjay Sah, Resident of Village and P.O.-Mathurapur, P.S.-Warisnagar, District-Samastipur, Bihar-848101.
10. Anupriya Kumari, Daughter of Sanjay Kumar, Resident of Village and P.O.-Mathurapur, P.S.-Warisnagar, District-Samastipur, Bihar-848101.
11. Atul Kumar, Son of Sanjay Sharma, Resident of Village-Rampur Pandey Tola, P.S. and P.O.-Bhagwanpur Hat, District-Siwan, Bihar-841408.
12. Chandan Kumar, Son of Kamal Kishor Yadav, Resident of Village-Kokaraha, P.O.-Sanokhar, Block-Alauli, District-Khagaria, Bihar-848203.
13. Kishan Raj, Son of Arjun Prasad, Resident of Village-Makhpa, P.O. and P.S.-Tekari, District-Gaya, Bihar-824236.
14. Ankesh Ranjan, Son of Rohit Kumar Sahni, Resident of Ajam College Road, Behind Gas Godown Mandira Tola, Dharhara Panchayat, P.S. Banmankhi, District-Purnia, Bihar-854202.
15. Ravikant Kumar, Son of Uday Prasad, Resident of Village and P.O.-Laund, P.S.-Sirdala, District-Nawada, Bihar-805122.
16. Anil Kumar, Son of Mahendra Ram, Resident of Village-Kudar, P.O.-Gopalpur, P.S. Chanan, District-Lakhisarai, Bihar-811310.
17. Pappu Kumar, Son of Kesho Thakur, Resident of Village-Chitarkoli, P.S. Hardia, P.S.-Rajauli, District-Nawada, Bihar-805125.
18. Shiv Shankar Kumar, Son of Bundela Chauhan, Resident of Village-Nakkichak, P.S.-Khajurar, P.S. Barh, District-Patna, Bihar-803213.
19. Munnaka Parjapat, Son of Luxman Prajapat, Resident of Village-Shankarpur, P.O.-SaduriKarma, P.S.-Narari Kala Khurd, District-Aurangabad, Bihar-824112.
20. Ravi Ranjan Kumar, Son of Ram Naresh Sah, Village-Chilhai, P.O.



Khizirchak, P.S. Teghra, District-Begusarai, Bihar-851112.

21. Ajeet Kumar, Son of Umashankar Sah, Resident of Village and P.O.-Umapat, P.S.-Aurai, District-Muzaffarpur, Bihar-843117.
22. Brajesh Kumar, Son of Naresh Tanti, Village at Noorpur, P.O. and P.S.-Nathnagar, District-Bhagapur, Bihar-812006.
23. Piyush Kumar Yadav, Son of Mahendra Prasad, Village-Gumma, P.O.-Tarwan, P.S.-Phatehpur, District-Gaya, Bihar-805128.
24. Nilesh Kumar, Rajniti Kumar Chandravanshi, Resident of Village-Sarba, P.S.-Barbigaha, District-Sheikhpura, Bihar-811101.
25. Kapil Kumar, Son of Shachidanand Mandal, Resident of Village-Bhallu, P.O. Jotha, P.S.-Dhoraiya, District-Banka, Bihar-813109.
26. Banshilal Thakur, Son of Narayan Thakur, Village-Balaha, P.O. and P.S.-Bhawanipur, District-Bhagalpur, Bihar-853203.
27. Deepak Kumar, Son of Nawal Kishor Prasad, Resident of Village-Daulachak, P.S. Giriyak, District-Nalanda, Bihar-803115.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. Bihar Staff Selection Commission through its Secretary, Veterinary College, Patna-800014.
4. The Chairman, Bihar Staff Selection Commission, Veterinary College, Patna-800014.
5. The Secretary, Bihar Staff Selection Commission, Veterinary College, Patna-800014.
6. The Controller of Examination, Bihar Staff Selection Commission, Veterinary College, Patna-800014.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Kaushik, Adv
For the Respondent SSC : Mr. Satyabir Bharti, Adv
For State : Mr. Ravi Verma, AC to G.P.-4

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 08-03-2021 Petitioners have filed the present writ application for

a direction to the respondents to allow the petitioners to change

the category of reservation as in the original application they



have committed mistake in claiming reservation either in most backward classes or backward classes. Instead of applying in their respective categories they applied in other category to which they do not belong.

2. Learned counsel for the petitioners has placed reliance on the communication of the Commission contained in Annexure-5 to contend that notice was invited to the candidates for correction in their record of the Commission if there was any error in the *on line* description as to photographs, signature and gender etc. He submits that in view of the aforesaid, the petitioners deserve consideration on their case for correction in their category of reservation in the application submitted way back in 2014.

3. Mr. Satyabir Bharti, learned counsel for the Commission would submit that in the process of digital entry done in the office of the Commission certain error crept in and therefore, in order to keep the their record straight the Commission in all fairness has invited the application for correction in terms of original application submitted by the petitioners. The notice cannot be construed as a opportunity to correct the original application itself after six years.

4. Mr. Kumar Kaushik, learned counsel for the



petitioners heavily relied upon the decision of the Apex Court in the case of **Anju Bharti vs. Govt. of Nct of Delhi and Ors.** in Civil Appeal No. 16936 of 2017 that was the case where the candidate was holding LLM qualification but the candidate has omitted to mention the qualification in the application.

5. The Apex Court in order to complete justice, allowed the appeal in the following terms. The ultimate consideration of the Apex Court is quoted below:

“We might note that the respondent(s) have themselves condone the mistake of another nature in the case of two other candidates, who had not mentioned their qualification in the appropriate place but had mentioned their qualification in some other place. However, on representation made by them, their candidature was considered which was earlier rejected. That action of the respondent(s) was just and proper.”

6. Mr. Kaushik with reference to the aforesaid order would submit that since the Commission has allowed correction vide Anneuxre-5 and therefore, the decision of the Apex Court is squarely applicable in the case of the petitioners. The Commission has not rectified mistake of any candidate in the matter of correction of reservation category, therefore, the decision referred by the petitioners in this case is



not attracted in the present case. The writ application does not merit any consideration, it is dismissed.

(Anil Kumar Upadhyay, J)

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