

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9904 of 2021

=====

Amit Prakash Son of Rajesh Kumar Resident of village- Simra Paraspatti,
Ward no. 28, P.s.- Dumra, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Chief Secretary, Government of Bihar, Patna
3. The Principal Secretary, Science and Technology Department, Government of Bihar, Patna
4. The Secretary, Science and Technology Department, Government of Bihar, Patna
5. The District Magistrate, Sitamarhi
6. The Bihar Public Service Commission, through its Chairman, 15, Jawaharlal Nehru Marg, Bailey Road, Patna
7. The Chairman, Bihar Public Service Commission, Bihar, Patna
8. The Secretary, Bihar Public Service Commission, Bihar, Patna
9. The Additional Secretary cum Examination Controller, Bihar Public Service Commission, Bihar, Patna

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Jagjit Roshan, Advocate
For the Respondent/s	:	Mr.Lalit Kishore, AG
For BPSC	:	Mr. Sanjay Panday, Advocate
	:	Mr. Nishant Kumar Jha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 23-11-2021

Heard learned counsel for the parties.

In the instant petition, petitioner has prayed for following relief/reliefs:

“(i) Issuance of writ in the nature of Mandamus directing the respondents to accept the Succession Certificate of Freedom Fighter in connection with application bearing Registration No. 201702001169, Roll No. 211272 of the petitioner for appointment of Assistant Engineer (Civil) in Advertisement No. 2 of 2017.

(ii) Issuance of writ or writs, in the nature of Mandamus directing the Respondents to declare the result of the



petitioner after accepting the Succession Certificate of Freedom Fighter in the category Freedom Fighter Successor and grant the benefit of reservation of Successor of Freedom Fighter to the petitioner.

(iii) And further to stay the final appointment of Assistant Engineer (Civil) in connection with Advertisement No. 2 of 2017 in the category of Successor (maternal and paternal Grand Children) of Freedom Fighter till the final adjudication of the case.

(iv) Grant any other relief or reliefs to which the petitioner may found entitled to in the facts and circumstances of this case”

Short question for consideration in the present petition is whether petitioner's name could be considered for the post of Assistant Engineer under Freedom Fighter quota or not. Undisputedly the last date of submission of an application for the post of Assistant Engineer is 06.12.2017 whereas the petitioner has obtained Freedom Fighter certificate on 05.03.2021 and it is beyond the last date prescribed for submission of application.

In the light of these facts and circumstances, the petitioner is not entitled to consider his name for the post of Assistant Engineer under the Freedom Fighter quota.

If petitioner is otherwise eligible under general merit category, his name shall be considered.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.11.2021
Transmission Date	NA

