

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13361 of 2018**

=====

Nivedita Singh, Daughter of Dev Narain Singh, resident of Jawahi Diyar,  
P.O.- Balua, P.S.- Brahmpur, District- Buxar, Presently resident at 247, Pandit  
Gangadhar Mishra Nagar, Chaubaga Bye Pass, Sitapur (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna.
3. The Director, Forensic Science Laboratory, Bihar, Patna.
4. The Bihar Staff Selection Commission through its Chairman.
5. The Secretary, Bihar Staff Selection Commission, Patna.

... .. Respondent/s

=====

**Appearance :**

|                      |   |                              |
|----------------------|---|------------------------------|
| For the Petitioner/s | : | Mr. Prashant Sinha, Advocate |
| For the Respondent/s | : | Mr. Anil Kumar, AC to SC-8   |
| For the BSSC         | : | Mr. S.S. Sundram, Advocate   |

=====

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL JUDGMENT**

**Date : 23-02-2021**

Heard Mr. Prashant Sinha, learned counsel for the  
petitioner, Mr. S.S. Sundram, learned counsel for BSS  
Commission and Mr. Anil Kumar, AC to SC-8.

2. The instant writ application has been filed by the  
petitioner for a direction to the respondents to consider her case  
for appointment against the post of Senior Scientific Assistant,  
pursuant to Advertisement No. 09010115 (Ballistic branch-  
Physics Division) and Advertisement No. 11010115 (Physics  
branch- Physics Division).

3. The short point involved in the present writ  
application whether the petitioner can claim her candidature in the



Backward Class Category where the petitioner failed to produce the Creamy Layer Certificate required for appointment of Backward Class Category at the time of interview.

4. Admittedly, the petitioner was called for interview on 26.12.2015 and 27.12.2015, as is evident from Annexure-3 (A) and 3(B). The certificate of Creamy Layer appended to the writ application is dated 29.12.2015 i.e. post interview. The case of the petitioner was not considered in Backward Class Category for want of Creamy Layer certificate and in the result, the respondent Bihar Staff Selection Commission considered the case of the petitioner in General Category and no candidate, who secured lesser marks than the petitioner, recommended for appointment in General Category.

5. Mr. Prashant Sinha, learned counsel for the petitioner submits that the petitioner belongs to Backward Class Category. She applied for Backward Class Category and she could produce the Creamy Layer certificate before the publication of the results and, therefore, the respondents have acted arbitrary in not considering the case of the petitioner for appointment in Backward Class Category.

6. Since the petitioner failed to produce the Creamy Layer certificate required for the purpose of claiming reservation



at the time of interview, the Court does not find any infirmity in the decision of the Bihar State Selection Commission.

7. Mr. Prashant Sinha, learned counsel for the petitioner claims that initially the result of the petitioner was declared in Backward Class Category and, therefore, the petitioner has acquired the vested right to be appointed in the Backward Class Category. The submission is only noted to be rejected for the simple reason that on the date of interview no certificate showing Creamy Layer was produced by the petitioner and, as such, the petitioner for non-production of Creamy Layer certificate has rendered itself ineligible for appointment in Backward Class Category.

8. The writ application stands dismissed.

**(Anil Kumar Upadhyay, J)**

uday/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 24.02.2021 |
| Transmission Date | NA         |

