

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7623 of 2021

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1. Vishwajeet Kumar Son of Suresh Sahani Resident of Mohalla- Chota Bariyarpur, Ward no. 37, P.O. and P.S.- Motihari, District- Motihari.
 2. Birendra Prasad Son of Kedar Prasad Resident of Village- Saharsha Sant Nagar, P.O. and P.S.- Saharsha, District- Saharsha.

... .. Petitioner/s

Versus

1. The Bihar Technical Service Commission Patna through its Secretary.
2. The Chairman 19 Harding Road, Patna Bihar Technical Service Commission.
3. The Secretary Bihar Technical Service Commission, 19 Harding Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ritika Rani
For the Respondent/s : Mr. Nikesh Kumar

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

Date : 10-02-2022

The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

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

“(A) For commanding the Bihar State Technical Service Commission and authority to make correction in the category EBC (Extremely Backward Class) in place of BC(Backward Class) application form no. BR001010204500001296, Registration No. BR00150010108889 with respect to Petitioner No. 1 and Application Form No. BR001010214500000497,RegistrationBR00150010079049 with respect to Petitioner No.2 as contained in the Annexure 7 and 9 respectively against advertisement No. 1 of 2019 as contained



in Annexure-6.

(B) Also for commanding the respondents to call upon the petitioners for counseling for appointment to the post of Junior Engineer civil against the Advertisement No. 1 of 2019 as contained in Annexure-6.

(C) Also for commanding the respondents to consider the case of the petitioner for appointment to post of Junior Engineer Civil against the Advertisement No. 1 of 2019.

(D) Also to hold and declare if any person having lesser marks than the petitioners is appointed against the Advertisement No. 1 of 2019 as contained in Annexure is void, illegal and violation of Article 14 and 16 of India

(E) Also for necessary relief/reliefs, order/orders, direction/directions for which the petitioner is entitled in the eye of law.”

The petitioners are candidate for recruitment to the post of Junior Engineer (Civil) pursuant to the Advertisement No. 1/2019 (Vide Annexure-6), his candidature has not been considered under EBC category even though he has furnished EBC certificates. However, in the application form they have mentioned that they belong to B.C. (Backward Class). Therefore, question for consideration is whether petitioners' candidature could be considered under EBC category as it was an error stated to have been committed by the petitioners. The Hon'ble Apex Court time and again has held that candidature in respect of any post is required to be examined with reference to the last date of submission of the application. Undisputedly, in the present case, the petitioners have indicated in their



application that he belongs to B.C. (Backward Class) whereas actually they are EBC category persons as is evident from the EBC certificates.

In the light of these facts and circumstances, how even with reference to the last date prescribed for submission of the application, alteration of category as claimed by the petitioners from B.C. to E.B.C. is impermissible.

Accordingly, the present petition stands dismissed, reserving liberty to the concerned respondent to consider. Petitioners' candidature to the post of Junior Engineer (Civil) only under general merit category, If the petitioners fulfill the age criteria for the purpose of consideration of their names under general category, in the light of various judicial pronouncements.

With the aforesaid observation, the present petition stands dismissed.

(P. B. Bajanthri, J)

kamlesh/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	16.02.2022
Transmission Date	NA

