

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5448 of 2021

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Alok Kumar S/o Dharm Neta Jee R/o Village and P.o.- Koirigawan/Koiri
Tola, P.s.- Barharia, District- siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Department of General Administration, Govt. of Bihar, Patna
3. The Bihar Public Service Commission, through its Secretary, 15, Jawaharlal Nehru Marg, Patna
4. The Chairman Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Patna
5. The Secretary, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Patna
6. The Joint Secretary, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anjani Parashar
For the Respondent/s : Mr. Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 03-02-2022

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

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

“(i) To issue an appropriate writ preferably in
the nature of certiorari for setting aside decision of the
Bihar Public Service Commission (in short BPSC)
disqualifying the petitioner on the ground of over age
stood at Sl. No. 100 of the list uploaded electronically on



the website of BPSC by which the candidature of the petitioner has been rejected due to over age on 01.08.2013 as prescribed by the BPSC for considering as cutoff date.

(ii) For issuance of appropriate writ preferably in nature of mandamus commanding the Respondent Authorities directing them to treat the petitioner's online application bearing Registration No. 202001004023 under Schedule Tribe Category for the post of Assistant Prosecution Officer (in short APO) advertised by the BPSC vide advertisement No. 01/2020 and directing them to issue the admit card of the petitioner for appearing in the preliminary test going to be held on 07.02.2021.

(iii) For direction to the Respondent Authorities to ascertain the numbers of seat for the ST category which would be one percent and approximately 6 seats instead of one 1 seat against the said vacant seat.

(iv) To grant any other relief for which the petitioner may be found entitled to in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submitted that petitioner has been extended relief Nos. 1 and 2. Insofar as relief No. 3 is concerned, it is submitted that it is not in accordance with law that is reservation of number of seats under ST category. In this regard, the petitioner has not questioned the validity of classification of post for SC category in the advertisement. In the absence of such challenge to the advertisement relating to classification of reservation under ST category, the petitioner is not entitled to relief No. 3 in the present petition.



4. Accordingly, writ petition stands dismissed reserving liberty to the petitioner to file petition insofar as classification of reservation under ST category.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

