

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9527 of 2021

Chandeshwar Thakur Son of Late Ramdeni Thakur resident of village-
Madhubani Ghat, P.s.- Mufassil (Motihari), District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Bihar State Govt.
2. The Principal Secretary, Department of Health, Bihar State Govt.
3. The Principal Secretary, General Administration Department, Bihar State Govt.
4. Bihar State Technical Services Commission, through its Secretary,
5. The Secretary, Bihar Technical Services Commission, 19 Harding Road, patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dev Kumar Pandey, Advocate
For the Respondent/s	:	Mr. P.K.Verma, AAG 3
		Mr. Sanjay Kumar Ghosarwey, AC to AAG 3
For the Commission	:	Mr. Nikesh Kumar, Advocate

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

Date : 08-03-2022

Heard learned counsel for the parties.

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

“A. For a direction upon the respondents specifically respondent Nos. 3 to 5 to recast/modify the number of reserved vacancies earmarked for the candidates belonging to the schedule Tribe category as earmarked for the vacant post of Ayurvedic medical officer (pay scale 9300 – 34800), which is to be filled up through the selection process as Advertised by the Respondents vide Advertisement no. 4/2020 wherein apparently the reserved vacancies for scheduled tribe candidates of Bihar against the total 1502 vacancies is 09, which is much below the 01 % reservation for Schedule Tribe in Bihar and wherein no reservation roster point has been explicitly indicated.



B. For commanding the respondents to increase the reserve vacancies up to 15 for the schedule Tribe candidates by re-arranging / recasting the list of category wise reservation in the said advertisement no. 04/20 which has been published under the signature of the respondent no. 5.

C. For further direction upon the respondents to consider and dispose of the petitioner’s representation dated 5-10-2020 sent through the speed post vide EF756049865IN dt 5-6-2020 dispatched to the office of respondent no. 5 in accordance with the law.

D. For a direction commanding upon the respondents not to publish the final result / selection list of the recruitment process which is going to start soon till the pendency of the matter.

E. Any other relief or reliefs as deem fit and proper in the circumstances.”

3. The aforesaid reliefs cannot be extended to the petitioner in the light of latest Apex Court decision passed in **Writ Petition (Civil) No. 1052 of 2021** in the case of ***Sunil Kumar Rai and Ors. vs. The State of Bihar and Ors (2022) SCC Online SC 232.***

4. Accordingly, present petition stands disposed off, reserving liberty to approach concerned authority in respect of any other issue other than the Scheduled Tribes caste.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	11.03.2022
Transmission Date	

