

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8535 of 2021

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Neha Kumari daughter of Shiv Jee Prasad resident of mohalla 01,
Chaudhariyana Hata, C.K. Road, Ara, P.s. Town, Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Govt. of Bihar, Patna.
3. The Secretary, Home Department, Govt. of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Chairman, Bihar Police Subordinate Service Commission (BPSSC), Bihar, Patna.
6. The Secretary, Bihar Police Subordinate Service Commission (BPSSC), Bihar, Patna.
7. The Special Officer, BPSSC, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kamlesh Prasad Yadav, Adv.
For the State	:	Mr.Manish Kumar (Gp4)
For BPSSC	:	Mr. Sanjay Pandey, Adv.
		Mr. Nishant Kumar Jha, Adv.

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

2 14-02-2022 The matter is heard via video conferencing due to

circumstances prevailing on account of the COVID-19

pandemic.

In the instant petition, petitioner has prayed for the

following relief/reliefs:

“That this is an application for issuance of an
appropriate writ or writs directing the respondent
authorities to make correction in the reservation
category of the petitioner, who belongs to the
reservation category of EBC but due to mistake of



the cyber operator the category BC has been wrongly placed in the on-line application form filled up for appearing in the competitive examinations held by the Bihar Police Subordinate Service Commission (BPSSC), and further directing the respondent authorities to treat the petitioner as of EBC category in the physical test which is to be held in April, 2021 next month as the petitioner has already completed the Preliminary as well as the Main Examination conducted by the BPSSC and has obtained marks higher than the cut-off marks for general female candidates, and for any other relief or reliefs for which the petitioner is entitled under the law.”

The petitioner is stated to be a candidate for recruitment to the post of Sub-Inspector pursuant to the advertisement issued by the Bihar Police Subordinate Commission. The petitioner’s candidature was required to be considered under EBC category instead of BC category while applying through on-line there were an error in identifying category. Such rectification or error is impermissible in the light of Apex Court decisions that any correction in the application should be within the last date prescribed for the post in terms of candidature instructions. Therefore, the petitioner is not entitled to the relief sought in respect of alteration of category at belated



stage. The concerned respondent is hereby directed to consider the petitioner's candidature under GM category. If petitioner is otherwise eligible like age criteria and other issues, the same shall be examined and determine whether petitioner name could be considered under GM category or not.

In the light of Apex Court decision that if reserve category candidates candidature is rejected under reservation quota in such circumstances he is entitled to be considered under GM category.

(P. B. Bajanthri, J)

Prakash Narayan /-

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