

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5044 of 2020

Indrasen Urawn, male, aged about 42 years, Son of Late Prasad Urawn
Resident of Serthawa Cheulaha, P.S.- Chiucaha Shivjahan, District- West
Champaran.

... .. Petitioner

Versus

1. The State of Bihar .
2. The Chief Secretary, Government of Bihar, Patna.
3. The Additional Chief Secretary, General Administrative Department,
Government of Bihar, Patna.
4. Bihar Public Service Commission through its Chairman, Bailey Road, Patna.
5. Joint Secretary-cum- Examination Controller Bihar Public Service
Commission, Bailey Road Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Suryakant Kumar, Adv.
For the State	:	Mr. Manoj Kumar AC to GP-4
For the BPSC	:	Mr. Sanjay Pandey with Mr. Nishant Kr. Jha, Advocates.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 30-06-2022 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Bihar Public
Service Commission (for short ‘the Commission’).

2. The writ petition was filed for “*issuance of appropriate writ/writs, order/orders, direction/directions to the Respondents to grant at least six seats, as per reservation rules, for Scheduled Tribe candidates in competitive examination for the post of Assistant Prosecution Officer for which Bihar Public Service Commission has come out with Advertisement No. 1/2020 dated 06-02-2020 and for any other relief/reliefs for*



which the petitioner is found entitled in the facts and circumstances of the case.”

3. Counter affidavit has been filed on behalf of the Respondent No.3. Paragraph No. 10 of the counter affidavit reads as follows:-

“10. That it is further humbly stated and submitted that in the light of order and judgment of the Hon’ble Apex Court in R.K. Sabharwal case, post based roster clearance system has been adopted in the State since 30.09.1995 in place of vacancy-based roster. In post-based roster system, the total number of strength is always taken in account and representations of different category are also calculated in respect of total number of strength. In the said case the total strength of the cadre is 800 and against which only 08 posts are admissible to the ST category, where as in the working strength the representation of ST employees were already 07 and hence in the post-based roster system the only 1(one) post has been made available to the ST category.”

4. Learned counsel for the petitioner submits that in view of the stand taken in the counter affidavit in paragraph No. 10, the cause of action does not survive and he does not wish to press this application.

5. The writ application is, accordingly, dismissed as not pressed.

(Madhuresh Prasad, J)

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