

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6377 of 2022

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Shio Jee Chaurasiya Son of Sri Shyam Narayan Chaurasiya Resident of
Mohalla and P.O.- Pandey Patti, Buxar, District – Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar,
Sachiwalay, Patna.
2. The Chairman, Backward Class Commission, Bihar, Patna.
3. The Principal Secretary, Education Department, Bihar Sachiwalya, Patna.
4. The Under Secretary, C.M. Secretariat, Patna, Bihar.
5. The Vice Secretary, Education Department, Bihar, Sachiwalya, Patna.
6. The Director, Primary Education Department Government of Bihar,
Sachiwalay, Patna.
7. The Chairman, Bihar School Examination Board, Patna.
8. The Secretary, Bihar School Examination Board, Patna.
9. The Examination Controller (Misc), Bihar School Examination Board,
Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Advocate
For the Respondent/s : Mr.Prabhakar Jha (GP- 27)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

**(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through Video
Conferencing from their residence.)**

Date : 24-06-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

1. That the present writ petition craves indulgence of this Hon'ble court in representatives capacity for issuance of writ in the nature of mandamus & prohibition for stay or set aside arbitrarily notification as memo-7/niyojan-09/2022-366 Patna date 30.03.2022 issued by Vice-Secretary Education Department, Bihar, Patna with "application form" for fill up post of physical education & health instructor without consider OBC/BC Male categories reservation as not follows Hon'ble court direction order on 06.01.2022 in CWJC No. 19611 of 2021 (PIL) alongwith earlier order on 03.11.2021 passed by the Chairman of Backward Class Commission, Bihar, Patna as both order has pending before respondents for passive action in

favour of OBC/BC male categories according to government reservation policy & constitutional fundamental right as not consider to OBC/BC male categories reservation in joint^{error} advertisement no. 373/2019 as memo no. KV234/2019 Patna dated 06.09.2019 for physical education & health instructor. Then will be violation of fundamental right. In this circumstance must be necessary for stay or set aside to arbitrary controversial notification on 30.03.2022. Petitioner has submit representation on 21.01.2022 with direction order on 06.01.2022 passed in CWJC No. 19611 of 2021 again send to legal notice on 25.01.2022 before concern authorities. Again objection submit on 31.03.2022 against arbitrarily notification on 30.03.2022

therefore legal notice has send on 06.04.2022 for stay of arbitrarily notification on 30.03.2022. But respondents has not stay or cancel arbitrarily notification as yet.

Really reservation Candika No. 14(E) for OBC & BC Male Categories ignore or missed in joint advertisement STET-2019 & physical education & health instructor eligibility test-2019. Which has been effected all OBC & BC male candidates. When all effected candidate was seated alongwith in examination eligibility test -2019. There about notification "form" reservation Candika No.-9 & advertisement reservation Candika No. 14E has published in different nature for confuse to all OBC & BC male candidates by respondents. So, kindly must be necessary review result-2019

OBC & BC (Male) for candidates in physical education & health instructor-2019.

And further for issuance of writ or writs direction or directions as it may deem fit and proper to the facts and circumstances of this case.

Petitioner has filed this writ petition in the nature of public interest litigation against the holding of examination and declaration of result by Bihar School Examination Board with respect to selection of physical education and health instructor as reservation policy of the State Government was not followed in said selection process. The subject of the writ petition being a service matter cannot be adjudicated in a public interest litigation. Accordingly, the present writ petition in form of public interest litigation is dismissed. However, dismissal of present writ petition shall not preclude petitioner to raise the issue as raised in this petition before appropriate forum for

redressal of his grievances.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	