

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10539 of 2022

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1. Abhishek Anand S/o Argha Nand Sharma, resident of Mohalla/village-Samasthu Sthan, Post - Bihata, District - Patna - 800024.
 2. Micky Anand S/o Sanjay Kumar, resident of Village - Kuri, P.S. - Bankey Bazar, P.O. - Bankey Bazar, District -Gaya - 824217.
 3. Ashutosh Kumar S/o Surendra Thakur, resident of Village - Purushottampur, P.O. - Purushottampur, P.S. - Chhauradano, District - East Champaran - 845302.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Old Secretariat, Patna.
4. The Chairman, Bihar Public Service Commission, Bihar, Patna.
5. The Secretary, Bihar Public Service Commission, Bihar Patna.
6. The Principal Secretary, Science and Technology Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Kumod Kumar Shrivastaw, Adv.
For the State	:	Mr.Md. Nadim Seraj (Gp5)
For BPSC	:	Mr. Zaki Haider, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 30-11-2022 The petitioners by way of this writ petition have prays to be considered under ST category for the post of Assistant Professor.

This Court in C.W.J.C. No. 9632 of 2022 (Ashutosh Kumar Vrs. The State of Bihar & Ors.) has decided the identical issue on 13th July, 2022, which is as under:-



“Heard the parties.

The petitioner by way of this writ petition prays to be considered under the ST category for the post of Assistant Professor in Engineering as the respondents have declared his result in ST category. It is stated that the petitioner belongs to Lohar community from Muzaffarpur and was included in ST category by notification of the Government of Bihar. However, the said notification has been quashed subsequently by the Supreme Court vide Judgment dated 21.02.2021. Learned counsel submits that as on the date the advertisement was issued, the petitioner was falling in ST category, and therefore, he should be treated as ST candidate and allowed to participate in the counselling.

I have considered the submissions.

Admittedly, the ST category classifications allotted by the Government of Bihar have been quashed by the Supreme Court vide its Judgment dated 21.02.2021. The said notification would be treated as void ab initio, and therefore, the petitioner can not claim any benefit of the said notification of Bihar Government. He, therefore, cannot be treated ST category and would therefore, not entitled to be placed in the merit of ST category's candidate.



Learned counsel has submitted that the petitioner would be treated in EBC category of general candidate but in EBC category also she does not fall on merit.

Considering the same, no indulgence can be granted to the petitioner for participating in the counselling.

The writ petition is devoid of merit and is accordingly dismissed.”

The case of the petitioners being identical is directed to be governed by the aforesaid Judgment.

The writ petitioner is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 27

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