

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2128 of 2023**

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Vivek Kumar Son of Braj Kishore Poddar R/o Mohalla- Lohiya Nagar, Ward  
No.- 28, P.S.- Begusarai Town, District- Begusarai (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, Begusarai.
3. The Circle Officer, Begusarai, District- Begusarai.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Dinu Kumar, Advocate with<br>Ms. Ritika Rani, Advocate |
| For the State        | : | Mr. Asif, AC to AAG- 12                                    |

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      06-07-2023              Heard learned counsel for the petitioner and learned  
counsel for the State.

2. The petitioner is seeking a direction to the respondent to issue a certificate of Economically Weaker Section (EWS) in his favour. Prayer has been made asserting that he has been declared successful in the process for appointment to the post of 'Commercial-cum-Ticket Clerk' pursuant to Advertisement No. CEN-01/2019. It is the petitioner's case that since, he is not a member of the Scheduled Caste (SC) , Scheduled Tribes (ST) or Other Backward Class (OBC) under the Central List. He is



entitled to get the EWS certificate and consequent appointment under the category of EWS in the Railways.

3. Learned counsel for the State, on the other hand, submits that the petitioner is a member of the Backward Class (BC) in the State list. Letter No. 5444, dated 02-06-2021, issued by the General Administration Department to all the District Magistrates and other concerned Authorities clearly specifies, persons other than those who belonged to SC, ST, BC, EBC category, subject to fulfillment of other parameters may be granted the EWS certificate. Such stand in the counter affidavit, copy of which was served on the petitioner's counsel, on 15-03-2023 stands uncontroverted.

4. Considering rival submissions, this Court finds that since the petitioner belongs to a member of BC in the State list, in terms of the General Administration Department, letter dated 02-06-2021 (*supra*) is not entitled to issuance of EWS certificate by the State Authorities.

5. This Court, further finds that relief is sought in connection with selection process for appointment to the Railway service.

6. Learned counsel for the petitioner, thus, submits that with respect to relief against the respondent-railway Authorities, he



would be raising his grievance before the competent forum.

7. With liberty, writ petition is dismissed.

**(Madhuresh Prasad, J)**

Raj kishore/-

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