

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.56 of 2019

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1. Pravin Kumar S/o Late Ram Chandra Das, R/o Mohalla- Ward No. 11, Ram Nagar, P.S.- Khazanchi Haat, District- Purnea.
 2. Sunny Kumar, S/o Ram Nath Singh, R/o Village- Bihari Bigha, P.S.- Akhori Gola, District- Buxar.

... .. Petitioners

Versus

1. The Bihar Staff Selection Commission, through its Secretary, Veterinary College, Bailey Road, Patna.
2. The Chairman, Bihar Staff Selection Commission, Veterinary College, Bailey Road, Patna.
3. The Examination Controller, Veterinary College, Patna, Bailey Road, Patna.
4. The State of Bihar through Chief Secretary Govt. of Bihar, Patna.
5. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
6. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
7. The Engineer-in-Chief, Water Resources Department, Govt. of Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Dinu Kumar, Adv.
For the BPSC : Mr. S.S. Sundaram, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

11 26-06-2023 Heard learned counsel for the petitioners and learned counsel for the Bihar Staff Selection Commission.

2. The petitioners participated in the process of selection for appointment to the post of 807 Junior Engineer (Civil) against Advertisement No. 0411 dated 08-06-2011 (Annexure-1).

3. The learned counsel for the petitioners submits that the candidates belonging to reserved category have been



appointed against the posts meant for unreserved/general category candidates. If the reserved category candidates were appointed against the post meant for their category, the petitioner would have succeeded. It is also submitted that the petitioners have not been provided the details of their performance in the process of selection.

4. A counter affidavit has been filed on behalf of the Commission, wherein, the Commission has provided the detail breakup of 807 recommended candidates in General Category (UR), wherein, the number of candidates of each category has been specified. The same is preceded by averments that minimum qualifying marks was obtained by 807 candidates. Therefore, all those who had achieved minimum qualifying marks, have been recommended. There was no question of giving any benefit of reservation to anyone in the circumstances. This stand is not controverted by any rejoinder or reply being filed by the petitioners. Therefore, the assertion of the petitioners that candidates belonging to the reserved category could not have been appointed against general category is unsustainable.

5. It is settled law that it is open for reserved category candidates to compete on merit basis in general category against



vacancies meant for general category.

6. As regards the other submission of the petitioners' counsel that the details of the performance of the candidates, including the petitioners have never been provided to the petitioners, this Court would observe that for obtaining these details, it would be open to the petitioners to approach the authorities in accordance with law.

7. The writ petition is dismissed.

(Madhuresh Prasad, J)

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