

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.243 of 2022

In

Civil Writ Jurisdiction Case No.797 of 2021

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Ashish Kumar, male, aged about 33 years, Son of Ram Narayan Malakar,
Resident of New Colony, Saharsa, Ward No.-08, P.S.-Saharsa Sadar, District-
Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Central Administration Department, Govt. of Bihar, Patna.
3. The Bihar Staff Selection Commission through its Secretary, Patna.
4. The Chairman, Bihar Staff Selection Commission through its Secretary, Patna.
5. The Secretary, Bihar Staff Selection Commission through its Secretary, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajendra Narain, Sr. Adv.
Mr. Shekhar Kumar Singh, Adv.
For the State : Dr. Mankeshwar Tiwary, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 09-02-2023

Heard Mr. Rajendra Narain, the learned



Senior Advocate for the appellant and Dr. Mankeshwar Tiwary for the State.

2. The appellant stands seriously aggrieved by the judgment and order dated 17-01-2022 passed by a learned Single Judge of this Court in C.W.J.C. No. 797 of 2021, dismissing his petition but reserving the liberty to him to file a fresh petition in accordance with law.

3. Though the appellant had come up before the Court for quashing of the final result dated 29-10-2018 for the selection of Junior Engineers (Civil/Mechanical), which was prepared after a Competitive Examination held on 25-02-2018 by the Bihar Staff Selection Commission, Patna, but the relief that was sought to be pressed for was issuance of a *Mandamus*, commanding the Bihar Staff Selection Commission to rectify the category of the caste of the petitioner, which had wrongly been taken to be Backward Caste (B.C.) when, in fact, he should have been treated as a person from Most Backward Caste



(M.B.C.).

4. The afore-noted submissions were attempted to be made on the basis of documents demonstrating that the appellant belonged to M.B.C. category. If this correction would have been carried out, the appellant would have qualified as the qualifying marks for M.B.C. category was fixed at 34%.

5. It has been submitted by the counsel appearing for the appellant that many seats remained vacant and, therefore, if such correction would have been carried out, it would not have displaced any person in whose favour any third party right would have been created.

6. However, from the perusal of the writ petition, we do not find such specific case of the appellant before the learned Single Judge.

7. Nonetheless, since the learned Single Judge has given a liberty to the appellant (petitioner) to file a fresh petition in accordance with law, we do not



wish to interfere with the order and direct that the appellant shall be well advised to file a fresh petition in accordance with law.

8. The appeal stands disposed off accordingly.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

Praveen-II/-

AFR/NAFR	NAFR
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