

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2206 of 2019

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Binod Kumar, S/o Mahadeo Singh, Resident of Village- Lohari, P.S.- Goh,
District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Patna.
2. The Joint Secretary, Panchayati Raj Department, Govt. of Bihar, Patna
3. The District Magistrate, Aurangabad.
4. The D.D.C. Aurangabad.
5. The District Panchayat Officer, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan No.2, Advocate
For the Resp-State : Mr. Virendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 02-12-2024 Heard Mr. Rajiv Ranjan No.2, learned counsel for the

petitioner and Mr. Virendra Kumar, learned counsel for the

State.

2. The petitioner seeks quashing of the merit list dated
10.11.2018 prepared by the duly constituted Committee for
Aurangabad District for the post of Technical Assistant on the
ground, apart from the same is in the teeth of Reservation Policy
and Roaster, the persons who have secured lesser marks than the
petitioner, their names have been included in the merit list.

3. Learned counsel for the petitioner contended that in
terms of the advertisement for selection of Technical Assistant



in each district, the petitioner along with other candidates applied for the said post. In the meantime, the Panchayati Raj Department issued district wise post as per the reservation policy for different categories on 27.08.2018 and thus district authorities were obliged to follow up the guideline issued by the Joint Secretary, Government of Bihar in the Department of Panchayati Raj. Despite the guideline issued by the Government of Bihar, the district authorities prepared a merit list contrary to the guideline and on the basis of marks obtained by the candidates in diploma in Civil Engineering and the persons, who secured lesser marks, their names have been included in the merit list, ignoring the claim of the petitioner. It is the contention of the petitioner that apart from the petitioner being BC Category and obtained 73.14% marks in diploma in Civil Engineering, his name has not been included in the merit list. Drawing the attention of this Court to the merit list and the candidates whose names figured at serial no. 45, 48, 49 and 51, it is vehemently contended that all of them have secured lesser marks than the petitioner but their names have been included in the merit list and, as such, the present writ petition.

4. On the other hand, learned counsel for the State submitted that the petitioner belongs to Backward Category



candidate having diploma in Civil Engineering, has secured only 73.14% marks, whereas the cut-off merit marks under the BC male category is 75.19%. Hence the claim of the petitioner is not justified. So far the candidates whose names were found place at serial no. 45, 48, 49 and 51 of the merit list are concerned, they came under female category and, as such, the merit list marks obtained by them cannot be compared from the marks obtained by the petitioner as 35% seat is reserved for female candidates of all category as horizontal reservation. It is further contended that the candidates under BC male and female category, who have higher merit points were considered as unreserved category. Referring to the averments made in the counter affidavit, learned counsel for the State countered the submissions of the petitioner.

5. Having considered the submissions advanced on behalf of the respective parties and taking note of the fact that the petitioner has not even secured the cut off marks under BC male category, which was fixed as 75.19%, this Court does not find any reason or occasion to interfere in the final merit list, which is impugned herein. The writ petition is also bad on account of non-joinder of the necessary parties, irrespective of the contention of the petitioner that they secured less marks than



the petitioner; although this contention has been refuted by the Government Counsel by assigning a justifiable and cogent reason.

6. On the reasons afore-noted, the writ petition stands dismissed.

(Harish Kumar, J)

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