

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.617 of 2019

Md. Masoom Ansari Son of Md. Sanaullah Ansari Resident of Nakchhed
Tola,P.S. Motihari,Dist.-Motihari,E.Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Additional Chief Secretary Water Resources Department,Sinchai
Bhawan,Patna-800015
4. The Chairman,Bihar Staff Selection Commission,Govt. of Bihar,Veterinary
College,Patna-800014
5. The Secretary,Bihar Staff Selection Commission,Govt. of Bihar,Veterinary
College,Patna 800014

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Alok Kumar @ Alok Kr Shahi Mrs. Archana Sinha Mr. Vinod Kumar Adv
For the Respondent/s	:	Mr.Harish Kumar -Gp8 Mr. Sudhanshu Bhushan, AC to GP-7
For the BSSC	:	Mr. Madanjeet Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

7 16-01-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This writ petition has been filed for directing the
respondent to appoint the petitioner on the post of Junior
Engineer, Water Resources Department (for brevity “WRD”),
Government of Bihar, Patna pursuant to the Advertisement No.
0411/2011 issued by Bihar Staff Selection Commission
(hereinafter referred to as “BSSC”)

3. Counsel for the petitioner submits that in the
advertisement, there were total 42 posts but appointment has



been made only on 35 posts. Counsel submits that the petitioner has achieved marks 117.40 whereas candidates getting less marks has also been appointed.

4. Counsel for petitioner further submits that the petitioner belongs to most backward category but then also his selection was intentionally not made by the respondent BSSC.

5. Counsel for BSSC has filed supplementary counter affidavit and in the said counter affidavit it has been mentioned that as per the advertisement total 42 post of Junior Engineer, Mechanical in WRD department, Patna has been published. But, out of 32 posts, 15 posts were for unreserved category, 5 posts were for OBC, 5 posts for EBC, 5 posts for OBC Woman, 6 posts for S.T. Category and 8 posts for S.T. Category.

6. Counsel submits that in Clause-7(IV), it was categorically mentioned that the case of disabled category shall be considered only after production of disability certificate and it is due to this reason in the advertisement at the top, total post for unreserved has been shown.

7. Counsel further submits that since the petitioner is claiming for M.B.C. Category for whom the cut off marks were 117.60 whereas petitioner obtained 117.40. As such he received marks which is below the cutoff marks and only due to this



reason, he was not selected for the said post.

8. In the light of the submissions made, this Court is of the view that it is not the case of discrimination rather equal treatment has been taken place with all the candidates.

9. In response, counsel for the petitioner submits that there is one post still vacant in the M.B.C category. Therefore, petitioner may be directed to be appointed.

10. This Court is of the view that fixing standard for selection is the discretion of the commission and this Court is not inclined to interfere in the standard fixed for selection.

11. As such, this writ petition is dismissed.

(Dr. Anshuman, J)

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