

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8966 of 2020

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Misababul Haque Son of Md Arif Resident of Village-Dharmapur Bandey P.S.-
Tajpur District Samastipur. Petitioner.

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar.
3. The Bihar Public Commission through its Chairman, 15 Jawahar Lal Neharu Marg, Baily Road, Patna.
4. The Secretary, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg, Baily Road, Patna.
5. The Joint Secretary Cum Examination Controller, Bihar Public Commission, Patna.

... .. Respondents.

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Appearance :

For the Petitioner	:	Mr. Arabind Nath Pandey, Advocate
For the State	:	Mr. Madhukar Mishra, AC to SC-16
For the B.P.S.C.	:	Mr. Sanjay Pandey, Advocate
		Mr. Nishant Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 15-07-2024

By filing the present writ application, the petitioner seeks following relief/reliefs:

A) To issue an appropriate writ order or direction in the nature of Certiorari for quashing the result dated 27.02.2020 and the revised result dated 21.08.2020 published by the Joint Secretary-cum-Examination Controller, Bihar Public Commission by which the result of written examination has been cancelled treating to the petitioner in common group 1 by not considering the certificate of extremely Backward class in respect of subject Urdu which was



reserved for the extremely backward class in the light of advertisement bearing no.2 of 2016.

B) To issue an appropriate writ order or direction including a writ in the nature of Mandamus to republish the result of the petitioner by considering the name of the petitioner in the extremely Backward class for the appointment of Lecturer in Government Training College in the State of Bihar in the light of advertisement bearing no.2 of 2016.

C) To hold and declare that the action of Commission by not considering the certificate of extremely backward class is illegal not proper and on the basis of extraneous consideration.

D) To issue an appropriate writ order or direction as the petitioner is found entitled for publishing the result in subject Urdu in EBC in the light of advertisement for which the petitioner has already produced the certificate initially as well as at the time of interview.

E) To hold and declare that illegally and wrongly the result of the petitioner has been published in General Category.

2. Learned counsel for the petitioner submits that in pursuance of advertisement no.2 of 2016, the petitioner applied for the post of Lecturer in Urdu Subject in Government Training Teachers es under extremely backward class



along with certificate. The petitioner was called for interview but at the time of interview he could not produce the creamy layer certificate and he was treated as a general category candidate. The result of the said examination was cancelled. Learned counsel for the petitioner further submits that one post is still vacant for the post of Lecturer in Urdu subject.

3. Learned counsel for the B.P.S.C. submits that at the time of interview the petitioner could not produce the creamy layer certificate, hence he was treated in general category. He further submits that the petitioner secured 41 marks in the written examination, which is less than the cut off marks of the general category. He lastly submits that the case of the petitioner is squarely covered by the order dated 05.03.2020 passed in C.W.J.C. No.3083 of 2019 by which the writ application was dismissed.

4. Considering the facts and circumstances of case and the order dated 05.03.2020 passed by a co-ordinate Bench of this Court, this writ application merits no consideration and is dismissed accordingly.

(Anjani Kumar Sharan, J.)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19.07.2024
Transmission Date	N/A

