

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9508 of 2016

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Birju Kumar Chauhan son of Sri Ram Badan Chauhan Resident of village - Kusaha, Bardman, P.O. Jajauli, P.S. Bhumpura, District - Balia U.P., presently working as Junior Line Man Contract, Electric Supply, Sub-Division, Bikram, District - Patna.

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company Ltd. Vidyut Bhawan, Bailey Road, Patna through the Chairman.
2. The Chairman, The Bihar State Power Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
3. The General Manager Human Resources Administration, The Bihar State Power Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
4. The Senior Manager Personnel, Bihar State Power Holding Company Ltd., Central Electric Supply Area , 8 , Serpentine Road, Patna.
5. The Executive Engineer, Electric Supply Division, Danapur, Patna.
6. The Assistant Engineer, Electric Supply Sub-Division, Bikram, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Sinha, Advocate
	:	Mr.Pankaj Kumar Singh, Advocate
For the Respondent Nos.		
2 to 6	:	Mr.Vikash Chandra Srivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 11-01-2024

Heard learned counsel appearing for the petitioner and

Mr. Vikash Chandra Srivastava, learned counsel for the respondent

Nos. 2 to 6.

2. The present writ application has been filed for the following reliefs:

(I) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the letter dated 02.07.2015 issued by the Respondent no.4 and contained in his letter no.1732 dated



02.07.2015, whereby and where under the Respondent no.4 has been pleased to withhold regularization of the petitioner which was taken by the Board of Director in the meeting dated 03.03.2015 and communicated under office order no.455/ Patna dated 27.04.2015 issued under signature of Respondent no.3 by saying that some anomaly in the documents submitted by the petitioner without disclosing the same.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to regularize the services of the petitioner as Junior Line Man with effect from 01.04.2015 pursuant to the decision taken by the Board of Director in its meeting dated 03.03.2015 and issued vide office order no.455/ Patna dated 27.04.2015 under signature of Respondent no. 3.

(III) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to pay the salary to the petitioner with effect from 01.04.2015 and onwards as well as current salary in the pay-scale PB-1, Rs. 5200-20200 Grade Pay Rs.2900.

(IV) For issuance of any other appropriate writ/writs,order/ orders, direction/directions for which the writ



petitioner shall be found entitled under the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the erstwhile Bihar State Electricity Board had taken a decision for appointment of Junior Line Man on contract basis and for that purpose an advertisement was published in the leading News Papers on 01.01.2009 and 12.01.2009. Pursuant to the advertisement the petitioner has applied and he has been selected for the post in question and he has secured 84.142 % of marks and he has been placed at Sl. No.23 of the EBC candidates' place. Learned counsel for the petitioner submits that before joining of the petitioner the respondents have taken a decision to verify the genuineness of the certificate of the candidates including the petitioner and it was found that the petitioner is belonged to the State of U.P. so he cannot take advantage of Reservation Policy of the State of Bihar.

4. Learned counsel for the respondents submits that after examination of the certificate of the petitioner it was found that the petitioner is belonged to the State of U.P.

5. In view of the aforesaid, the petitioner was fallen under the general category candidates and the last person who has been appointed under the general category candidates, the cut off



marks was 85.571 % where the petitioner has possessed only 84.142% of marks which is less than the cut off marks of the general category candidates so the petitioner is not come under the purview of the general category candidates so the petitioner has not been appointed on the post in question. Respondents are rightly not considered the case of the petitioner for the appointment on the post in question.

6. Considering the aforesaid facts, there is no merit in this writ application. Accordingly, it is dismissed.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.01.2024
Transmission Date	12.01.2024

