

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18748 of 2024

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Sunil Kumar Paswan, son of Mishri Paswan resident of Village- Yogyara,
Beddeepati, Jogiara, P.S.- Bahadurpur, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through the Chairman Bihar technical Bihar service commission Govt. of Bihar. 19, Harding Road Patna.
2. The State of Bihar through the Secretary Bihar technical Bihar service commission Govt. of Bihar. 19, Harding Road Patna.
3. The Addl. Chief Secretary, General Administration Department, Govt. of Bihar, Patna.
4. The Addl. Chief Secretary, Health Department, Govt. of Bihar
5. The In Charge Secretary, Bihar Technical Service Commission Department Govt. of Bihar. 19, Harding Road Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shivendra Kumar Sinha, Advocate.
For the Respondent/s	:	Mr.Standing Counsel 24

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-12-2024 Heard Mr. Shivendra Kumar Sinha, learned counsel

appearing on behalf of the petitioner and learned SC-24 for the

State.

2. The petitioner in paragraph no. 1 of the present writ

petition has sought, *inter alia*, following relief(s), which is

reproduced hereinafter:-

*“I. To command the respondent and further
direct him to consider the candidature of petitioner who
belongs to schedule cast category which was filled up by
the respondent by appointing the Tanti – Tatwa treating him
as schedule cast who are not belongs to the schedule caste
in this regard Hon’ble Supreme Court passed the order in
Civil Appeal No. 18802 of 2017 on 15.07.2024.*

*II. To further direct to the respondent to
consider the petitioner claim within the candidate of*



schedule cast who are appointed in schedule cast category marks and further looked the marks obtained by the petitioner in course of counselling.

III. To further pray since the petitioner age is now expired for the said post if his candidature will not consider by the respondent in present appointment.

IV. Further issue appropriate writ/writs, order/orders, direction/directions to the concerned respondents in the interest of justice.”

3. Learned counsel appearing on behalf of the petitioner informs that the number of vacancies arising under different categories including scheduled caste have been notified vide Advertisement No. 6/2020 contained in Letter No. 464 dated 21.02.2024. Learned counsel informs that petitioner is by caste ‘Paswan’ who, as per the Presidential Order, belongs to scheduled caste category. The total vacancies notified for filling up the vacant posts of Homeopathic Medical Officer was 894, out of which, 150 posts were notified in respect of scheduled castes. The cut off marks in this category for male was 38.0941 and for female it was 37.5176. The petitioner is aggrieved for the reason that he has been left out in the merit list illegally, because remaining vacant seats have been allotted to the candidates belonging to the caste of Tanti – Tatwa, which is against the mandate of the law laid down by the Apex Court recently in the case of **Dr. Bhim Rao Ambedkar Vihar Manch Bihar Patna & Ors. Vs. The State of Bihar & Ors. (Miscellaneous Application No. 2342 of 2024)**, pursuant to



which, the State Government has published a notification dated 12.08.2024 and has corrected themselves in accordance with the Presidential Order as per Articles 341 and 342 of the Constitution of India.

4. The petitioner, in above background, seeks to file a detailed representation before the Chairman, Bihar Technical Services Commission, Government of Bihar – respondent no.1 who is required to correct the measures in accordance with the governing law pursuant to which Gazette Notification dated 12.08.2024 has been published.

5. With the above observation/direction, the liberty as sought for by the petitioner is allowed.

6. The writ petition stands disposed of.

(Purnendu Singh, J)

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