

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.255 of 2024

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Awadh Kisor Prasad @ Awadh Kishore Prasad Son of Swami Nath Prasad
R/o Behind Shekhar Cinema, Shukla Toli Siwan, P.S.-Siwan Nagar, District-
Siwan.

... .. Petitioner/s

Versus

1. Union of India through Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, New Delhi.
2. The State of Bihar through its District Magistrate, Siwan, District-Siwan.
3. District Magistrate, Siwan, District-Siwan.
4. Circle Officer Siwan, Sadar, District-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shailendra Singh, Advocate Mr. Shiv Pratap, Advocate
For the Respondent/s	:	Mr. Awadhesh Kumar Pandey, Sr. C.G. Mr. Brajesh Kumar Pandey, C.G.C.
For the State	:	Mr. Md. Irshad, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-07-2024 The present writ petition has been filed
seeking the following reliefs:-

"1.(I) For issuance of an appropriate writ or order or direction in the nature of MANDAMUS directing respondent No.2 to issue certificate under category of Economically Weaker Section (EWS) to petitioner's son in light of the Circular No.- 43011/11/2022 Estt. (Res-11) dated 19.09.2022 issued by the Respondent No. 1, whereby & whereunder petitioner's son is seeking admission in higher studies of Engineering through certain competitive



examinations conducted under the jurisdiction of Government of India.

(II) For issuance of an appropriate writ or order or direction in the nature of MANDAMUS directing Respondent No.3 to issue a fresh Economically Weaker Section certificate to the petitioner's son herein, forthwith, to enable him to pursue his higher education."

2. At the outset, the learned counsel for the petitioner submits that though the son of the petitioner has applied for grant of E.W.S. certificate on 07.02.2022, in pursuance whereof a report has also been submitted by the Circle Inspector, Siwan Sadar, Siwan (page 20 to the present writ petition), however, the E.W.S. certificate is not being issued to the son of the petitioner.

3. *Per contra*, the learned counsel for the respondent-State submits, by referring to the counter affidavit filed in the present case, that in cases where the incumbent belongs to the OBC category in the State List and is not covered in the Central List, such a person is required to be issued Income and Asset Certificate by the Circle Officer i.e. the Circle Officer, Siwan Sadar, Siwan in the



present case, hence he shall issue the same within a stipulated time frame.

4. Having regard to the facts and circumstances of the case and considering the fact that the respondents do not have any reservation in issuing Income and Asset Certificate to the son of the petitioner, in pursuance of his application dated 07.02.2022, I deem it fit and proper to direct the Circle Officer, Siwan Sadar, District-Siwan to issue the Income and Asset Certificate, in favour of the son of the petitioner in accordance with law, within a period of 48 hours, failing which he shall not draw his salary.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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