

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7523 of 2023

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Ram Kumar Son of Om Prakash Gupta Resident of Mohalla- Bihta, P.S.-
Bihata, District- Patna, PIN CODE- 801103.

... .. Petitioner/s

Versus

1. The Registrar General, Patna High Court, Bailey Road, Patna.
2. The State of Bihar, through the Chief Secretary, Government of Bihar, Secretariat, Bailey Road, Patna.
3. The Secretary, Department of Law, Government of Bihar, Secretariat, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Prasad
For the State	:	Mr. S.K. Mandal (SC3)
		Mr. Arjun Prasad
		(AC to SC-3)
For the PHC	:	Mr. Anukriti Jaipuriyar

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL JUDGMENT

Date : 01-07-2025

This petition has been preferred by the petitioner
seeking following reliefs:-

“For issuance of a direction to the respondent authority for appointment of the petitioner as a sport quota which is eligible as per advertisement made by the respondent authority and also applied an application which is contained in Annexure-1 as well as appointment rules has been also annexed for the purpose of hearing.

A copy of application for appointment of the petitioner as well as appointment rules, Reg. No. 232274 Reg. Date 03.04.23 post



applied for Assistant Education Pass- Matric 10th Pass- 2011 C.B.S.E. Punjab, C.B.S.E. Punjab-2013, 10 +2 B.S.E.B. 2014 Patna, B.Sc. Geology, M.Sc. Geology, Patna University, BSEB 2014 (10+2) and other certificate C.B.S.E. 2013 is annexed herewith and marked as Annexure-1 and 1A (in Series) to this writ application.

(ii) For issuance of a direction to the respondents to consider the case of the petitioner who has been filed a representation.

(iii) For any other relief or reliefs to which the petitioner may be found entitled to in the eye of law.

2. The brief facts of the case is that the respondent no.1 has invited on-line application from the eligible candidates for appointment against 550 vacant posts of Assistants in the Patna High Court, which are Group 'B' Posts in Level-7. A copy of the advertisement is brought on record as Annexure-1A to the writ petition.

3. Learned counsel for the petitioner submits that the advertisement contained details of posts as well as reservation given to the candidates in the different categories but there is no reservation to the category of sport quota. The petitioner is fully eligible for that post within its post and hence,



this writ petition.

4. Learned counsel for the petitioner submits that in all other institutions, there is a reservation quota of sport person. However, the respondents in their advertisement has not included the person related to the sport quota. In this regard, reliance has been placed by him in the judgment passed by the Hon'ble Supreme Court in ***Civil Appeal No. 005013 of 2023 arising out of S.L.P. (CIVIL) No. 15774 of 2023 (Dev Gupta Vrs. PEC University of Technology & Ors.)***, Annexure -P/3.

5. Learned counsel for the respondents opposes the argument raised by the counsel for the petitioner and submits that Rule 10 of the Patna High Court Officers and Staff Rules, 2021 specially provides that the reservation, if any, shall be in accordance with the orders issued by the Hon'ble Chief Justice from time to time having due regard to the legislative enactment and orders issued by the Governor of Bihar from time to time on the subject. Thus, it is submitted that apart from the categories already mentioned in the Rule 10, reservation for other categories, if any, may only be provided by an order issued by the Hon'ble Chief Justice regard being had to the legislative enactment. It is further submitted that no such order providing reservation for other categories has been issued by the Hon'ble



Chief Justice in this regard. Therefore, the claim of the petitioner could not be accepted.

6. Heard learned counsel appearing for both the parties and perused the documents annexed with the petition.

7. At this juncture, it would be appropriate to refer Rule 10 of the Patna High Court Officers and Staff Rules, 2021, which reads as under :-

“10. Reservation.- Reservation in direct recruitment to the various categories of posts in the ‘Establishment’ in favour of the members of Schedules Castes, Scheduled Tribes, Backward Classes, Extremely Backward Classes, Economically Weaker Sections (EWSs) of the State (who are not covered under the existing scheme of reservation for the SC, ST, BS, EBC); horizontal reservation for Women & Orthopedically Handicapped and reservation for other categories, if any, shall be in accordance with the orders issued by the Chief Justice from time to time having due regard to the legislative enactment and others issued by the Governor of Bihar from time to time on the subject.”

8. Admittedly, no order providing for reservation of any other categories (including sport quota) has been issued by Hon’ble the Chief Justice. Therefore, I am of the view that the petitioner is not entitled to get any relief. So far as the judgment,



as referred by the learned counsel for the petitioner, is concerned, it is not applicable to this case, as the judgment referred by the counsel is related to the admission in engineering courses under the 2% of the sport quota, not related to any recruitment process. Resultantly, the petition is liable to be dismissed.

9. Accordingly, this writ petition is dismissed.

(Arvind Singh Chandel , J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.07.2025
Transmission Date	NA

