

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20301 of 2012

=====

Haidar Ali S/O Md. Mustafa Resident Of Village- Taralahi, P.S- Bahadurpur,
District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Assistant Director (Employment) Awar Regional Employment, Darbhanga.
2. Civil Court, Darbhanga, Through Its District And Session's Judge- Cum- Chairman, D.S.S.A., Darbhanga
3. Mohan Kumar Jha S/O Civil Court, Darbhanga.
4. Md. Imadmuddin S/O Civil Court, Darbhanga.
5. Kamlesh Kumar Jha S/O Civil Court, Darbhanga.
6. Pradeep Safi S/O Civil Court, Darbhanga.
7. Sujit Kumar S/O Civil Court, Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Nazir Ansari, Advocate
For the Respondent/s : Mr. Girija Shankar Pd, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

7 17-03-2025 Heard Learned Counsel for the petitioner and Learned
Counsel for the State.

2. The present writ petition has been filed for quashing of the second part of the notification (Notice) dated 02.02.2012 (annexed as Annexure-1) issued by the Hon'ble District and Sessions Judge-cum-Chairman, D.L.S.A., Darbhanga whereby the learned Judge has appointed respondent nos.3 to 7 on the post of Peon and others on the basis of caste level and to consider the case of the petitioner also on such post and further to grant any other relief or reliefs for



which the petitioner is entitled.

3. Learned Counsel for the petitioner submits that the petitioner has applied for the post of Peon in pursuance of the advertisement No. OC-12-17/10 (annexed as Annexure-2) which was published in daily newspaper. Counsel submits that petitioner was asked to face interview by issuing admit card dated 12.10.2011, his roll no. was 197 and was directed to be appeared on 08.11.2011 at Civil Court, Darbhanga. Counsel further submits that petitioner has filled up the form in terms of advertisement and submitted all the testimonials including the caste certificate issued by the S.D.O., Darbhanga. Counsel submits that petitioner has also submitted the copy of the employment exchange dated 10.01.2008 along with the application of appointment in pursuance of the said advertisement. Counsel further submits that the respondent authority did not follow the reservation policy in correct perspective and allowed the general category candidates, recommended the name for appointment who has obtained lesser marks than that of reserved category which has to be treated as general category and thereafter, the marks obtained by reserved category which has to be treated in reserved category and consider the case of the petitioner for appointment who is



under the EBC category.

4. Learned Counsel for the State submits that a detailed counter affidavit has been filed and in the said counter affidavit, the application form and certificates of petitioner has been annexed as Annexure-E series. Counsel further submits that the petitioner has not mentioned his category as EBC on his application form. Counsel also submits that the certificate of OBC has been filed, but the caption written there is “अन्य पिछड़े वर्गों को भारत सरकार की सेवा में आवेदन करने वालों के लिए पिछड़ा वर्ग प्रमाण पत्र”. Counsel further submits that this certificate is not applicable for services under Bihar Government which is apparent from the said certificate itself. And therefore, the claim of the petitioner to be selected at Sr. No.2 of the Roster as EBC candidate is not correct due to the reason that the reservation policy of Government of Bihar is quite different to that of Government of India. Counsel further submits that in the State of Bihar, Other Backward Class has been divided into two parts i.e. EBC and BC category. Counsel submits that since, petitioner has not mentioned any category on his application form nor he has produced any caste certificate issued by any authority according to Bihar Government of being EBC candidate. Therefore, the petitioner's case is not maintainable at all.



5. In the light of the submissions made by the parties and from the pleadings, it transpires to this Court by virtue of two documents which is annexed i.e. the first is the application form and second is the certificate that petitioner has neither mentioned his category as EBC on his application form nor he has produced the said certificate which is applicable for the services under the Bihar Government. Hence, in the light of lacking of those documents, this Court is not inclined to interfere in this matter and therefore, this writ petition is not maintainable. Accordingly, this writ petition is hereby dismissed.

(Dr. Anshuman, J)

Divyansh/-

U			
---	--	--	--

