

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1466 of 2022

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Mithlesh Kumar Son of Ramashray Prasad Resident of Village-Korap, P.S.-
Anthi, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Patna.
2. The Principal Secretary Disaster Management Department, Patna.
3. The Chairman Bihar State Disaster Management Department, Bihar, Patna.
4. The Commandant Bihar State Disaster Management, Bihar, Patna.
5. The District Commandant Bihar State Disaster Management, Patna.
6. The Inspector Bihar State Disaster Management, Patna.
7. The Additional Inspector Bihar State Disaster Management, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Sinha, Adv.
For the State	:	Mr. Manoj Kumar Sinha (AC to SC-19)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 13-07-2026

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for the
following relief/s:-

*“(A) A writ in the nature of mandamus or
any other appropriate writ order/orders,
direction commanding the respondent for
the following:-*

*(i) To appoint the petitioner on the post of
Nai pursuant to the advertisement No.
SDRP/03/2019 dated 06.11.2019 forthwith.*

*(ii) To hold that the name of the petitioner is
figured in 1st successful candidate list dated*



10.12.2021 hence he is entitle to get appointment before the appointment of the candidature who named in figure in 2nd list successful of candidate dated 07.01.2022 (Annexure-7).

(iii) To hold that the petitioner is more competent candidate have been passed a ex-price and Secondary School Certificate than the others candidate named figured in the 2nd successful candidate dated 07.01.2022.

(B) To any other relief/reliefs for which the petitioner is found entitled to.”

3. Learned counsel for the petitioner submits that the petitioner has passed matriculation examination from Bihar School Examination Board in the year 2013 and he belongs to *Nai* by caste corresponding to OBC Schedule-02. He submits that the petitioner worked as a *Nai* in Bihar Military Police Training Centre, Patna-14. In this regard, the Training Incharge cum Dy.S.P, Bihar Military Police has issued the certificate also. Counsel submits that in the year 2019, an advertisement bearing Advertisement No. SDRF/03/2019 was published in Dainik Jagran particularly on 06.11.2019 according to which, the applications have been demanded from the desirous candidate for appointment on the different posts including the post of *Nai* in State Disaster Response Force Control basis. Counsel further



submits that the petitioner has participated in the said advertisement enclosing all the relevant papers including his caste certificate, educational qualification, income certificate and past experience certificate etc. Counsel submits that the petitioner was permitted to appear in the office of SDRF, Bihar, Patna for interview on 10.12.2021 pursuant to Memo No. 2083 dated 20.11.2021. After due process, result was declared and the petitioner was shown as a successful candidate for the post of *Nai* on the basis of interview dated 10.12.2021. As per the said result, altogether seven persons were declared as a successful candidate. Subsequently, another result was published on 07.01.2022 by which altogether 13 persons were informed that their joining letter would be issue after verification of their respective character and antecedent. But, in the said list, the name of the petitioner has not figured at all. Counsel submits that the petitioner along with six other persons have been declared as a successful candidate. In-spite that, joining letter has not been issued to the petitioner. Counsel submits that the petitioner has all the qualifications and marks, but he has not been selected, reasons best known to the authorities. Therefore, the petitioner has filed the present writ petition.

4. Learned counsel for the State submits that this writ petition is fit to be dismissed due to the reason that the



petitioner belongs to BC-1 category and for BC-1 category, the cut-off marks was 40, whereas, the petitioner has obtained only 35 marks in total which is apparent from Annexure-R/D, page-66 at serial no. 7 of the supplementary counter affidavit filed on behalf of respondent no. 4. Counsel submits that with a view to explain the entire position, all the relevant results and documents have been filed.

5. In the light of the submissions made and upon perusal of the record, it transpires to this Court that the petitioner belongs to BC-1 category and for BC-1 category, the cut-off marks was 40, whereas, the petitioner has got only 35 marks in total, therefore, his final selection could not be made.

6. In this background, this Court is of the view that there is no merit in this writ petition. Accordingly, the present writ petition stands dismissed.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	14/07/2026
Transmission Date	NA

