

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5504 of 2026

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Gitanjalee Kumari D/o Kumar Shashi Bhushan, R/o Village and P.O. Anda,
P.S. Phulwari Sharif, District- Patna, Bihar- 801113.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna, Bihar- 800015.
2. The Convenor, Centralized Selection and Appointment Committee-cum-Principal District and Sessions Judge, Patna, Civil Courts Campus, Patna, Bihar- 800004.
3. The Registrar General, High Court of Judicature at Patna, Bailey Road, Patna, Bihar- 800028.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ankur Apurv Singh, Advocate
For the State	:	Ms. Divya Verma, AC to AAG-3
For the PHC	:	Ms. Surya Nilambari, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 15-04-2026

Heard learned counsel appearing for the petitioner,

learned counsel appearing for the State and learned counsel

appearing for the Patna High Court.

2. Learned counsel for the petitioner submits that the

petitioner has filed the present writ petition for the following

relief/s :-

*“(i) Issue a writ in the nature of
CERTIORARI or any other appropriate writ , order*



or direction quashing the impugned Resolution dated October 16, 2025, and Notice dated October 19, 2025, insofar as it arbitrarily changes the category of the petitioner having Roll No. 227833 from EBC to UR.

ii. Issue a writ in the nature of CERTIORARI or any other appropriate writ, order, or direction quashing the impugned Notice dated February 26, 2026 (Memo 481-511/Conv.), which mechanically rejected the representation of the petitioner.

iii. Issue a writ in the nature of MANDAMUS or any other appropriate writ, order, or direction directing Respondent No. 2 to accept the petitioner's valid Non-Creamy Layer Certificate - Extremely Backward Caste No. C-204282-754 dated June 24, 2020, and restore her candidature under the EBC category.

iv. Issue a writ in the nature of MANDAMUS directing the respondents to include the petitioner in the final EBC merit list based on her aggregate score of 48.50 marks against the EBC vacancies and grant her appointment to the post of Upper Divisional Clerk (Grade -III);

v. Issue writ of certiorari quashing the denial order and writ of mandamus directing the respondent to permit submission and consider the caste certificate.

vi. For any other relief/reliefs for which petitioner is entitled for."

3. Learned counsel for the petitioner submits that Annexure P/6 is a Non-Creamy Layer certificate pertaining to the Extremely Backward Class category, which has not been accepted by the respondents, and this constitutes the primary grievance for filing the present writ petition.

4. Learned counsel appearing for respondent nos. 2



and 3 submits that the contention advanced on behalf of the petitioner is not acceptable. He submits that the Convenor, Centralized Selection and Appointment Committee-cum-Principal District and Sessions Judge, Patna, had issued a notice, wherein Clause 4(f) clearly stipulates that for availing the benefit of reservation under the BC/EBC category, a candidate must produce a Non-Creamy Layer (NCL) certificate based on the income and assets of the financial year 2021–2022, along with a domicile/residential certificate. It is further submitted that Annexure P/6 is a certificate issued on 24.06.2020, i.e., prior to the relevant financial year prescribed in the said notice. Therefore, on account of this lapse, the petitioner's claim has not been considered under the reserved category.

5. Learned counsel further places reliance on Letter No. 673 dated 08.03.2011, published in the Extraordinary Gazette Notification, particularly Clause 8 thereof, to contend that the petitioner's certificate does not fulfill the prescribed requirements. It is thus submitted that the petitioner's case is not fit to be considered under any reserved category.

6. After hearing the parties and upon perusal of Clause 4(f) of the notice dated 03.09.2025, issued by the office of the Convenor, Centralized Selection and Appointment



Committee-cum-Principal District and Sessions Judge, Patna,
which reads as under:

“For availing the benefits of reservation of BC/EBC category, the candidate must produce a Non-Creamy Layer (NCL) certificate based on the income and assets of the financial year 2021–2022 along with a domicile/residential certificate.”

7. Further Clause 8 of Letter No. 673 dated 08.03.2011 reads as under :- कीमीलेयर प्रमाणपत्र मंत्रालय शपथपत्र प्रशिक्षण परिपत्र प्रशासन

“(8) ओ.बी.सी. (कीमीलेयर रहित) प्रमाणपत्र बार-बार निर्गत नहीं किये जायेंगे। पूर्व निर्गत कीमीलेयर रहित प्रमाणपत्र के साथ भारत सरकार, कार्मिक, लोक शिकायत एवं पेंशन मंत्रालय (कार्मिक एवं प्रशिक्षण विभाग) नई दिल्ली के कार्यालय ज्ञापांक संख्या-36033/4/97-स्था. (आरक्षण) दिनांक 25.07.03, जिसे सामान्य प्रशासन विभाग के परिपत्र संख्या-11/वि.5-09/1998-1074 दिनांक 06.07.2005 द्वारा परिचारित किया गया है, के आलोक में कीमीलेयर में नहीं होने संबंधी शपथपत्र फॉर्म-XVIII में आवेदक/आवेदिका द्वारा दिया जायेगा, जो मान्य होगा।”

8. Upon perusal of Clause 4(f) of the notice dated 03.09.2025 and Clause 8 of the Letter No. 673 dated 08.03.2021 as well as Annexure P/6 to the writ petition, this Court finds that the certificate relied upon by the petitioner was issued in the



year 2020, whereas the requirement clearly mandates a certificate based on the financial year 2021–2022.

9. In view of the aforesaid, this Court finds no ground to interfere in the matter.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	16/04/2026
Transmission Date	NA

