

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7271 of 2026

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Soni Daughter of Bhagirath Singh, Resident of Village/Mohalla Dharampur
Kharwan, P.S. Dulhin Bazar, District- Patna.

... .. Petitioner/s

Versus

1. The High Court of Judicature at Patna through the Registrar General.
2. The Registrar General, High Court of Judicature at Patna.
3. The Registrar (Recruitment and Appointment), High Court of Judicature at Patna.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Pramod Mishra, Advocate
For the Respondents	:	Mr. Ashhar Mustafa, Advocate
		Ms. Anita Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL JUDGMENT

Date : 14-05-2026

Heard the learned counsel for the parties.

2. The present writ petition has been filed for the following reliefs:

“I. Issue a writ in the nature of mandamus directing the respondents to consider the candidature of the petitioner under the Extremely Backward Class (Non-Creamy Layer) category in connection with Advertisement No. PHC/01/2025;

II. Direct the respondents to treat the Non-Creamy Layer certificate dated 06.02.2026 as valid proof of eligibility, the petitioner being otherwise eligible on the cut-off date;

III. Direct the respondents to revise the result and grant appointment to the petitioner if found entitled;

IV. Pass such other order(s) as this



Hon'ble Court may deem fit and proper in the interest of justice.”

FACTS OF THE CASE

3. The brief facts, giving rise to the present writ petition, are that Advertisement No. PHC/01/2025 dated 11.02.2025 was published by the High Court of Judicature at Patna, for appointment on the post of Regular Mazdoor (Group-C) for 171 vacancies and the last date for submission of application form was 18.03.2025. The petitioner being eligible, applied within the time prescribed, for which the written test was held on 22.06.2025. The cycling test was held in December, 2025 and subsequently the skill test and interview were also held. It is the case of the petitioner that she successfully qualified all the stages of the recruitment process. The final list was published on 10.03.2026 vide Notice No. 12/R&A, whereby the panel of selected candidates was prepared, however the petitioner was not selected, since she was denied the benefit of reservation under EBC category, solely on the ground that the Non-Creamy Layer certificate was not submitted by the petitioner and the same was issued subsequent to the cut-off date. It is further case of the petitioner that the advertisement does not stipulate any specific condition mandating that the Non-Creamy Layer certificate must have been issued on or



before the cut-off date nor does it provide that candidature shall be rejected on account of subsequent issuance of such certificate. In absence of any explicit stipulation in the advertisement, denial of the benefit of reservation to the petitioner under the Extremely Backward Class category solely on the ground that the Non-Creamy Layer certificate was issued subsequent to the cut-off date, is wholly arbitrary, unreasonable and unsustainable in the eyes of law. It is further case of the petitioner that the caste certificate issued by the competent authority on 02.03.2025 along with the residential certificate dated 24.02.2025 and the income certificate dated 04.03.2025 were annexed with the application form. The petitioner subsequently obtained the Non-Creamy Layer certificate on 06.02.2026 from the competent authority.

SUBMISSIONS ON BEHALF OF THE PETITIONER

4. The learned counsel for the petitioner submits non-consideration of the case of the petitioner for being given benefits of reservation under the E.B.C. category is wholly without jurisdiction and is on technical ground. He further submits that the petitioner had provided all the requisite documents along with the application form, including the caste certificate, the income certificate and the residential certificate.



The petitioner was fully eligible for issuance of Non-Creamy Layer certificate. The delay in issuance of the certificate is not attributable on the part of the petitioner, rather the same is due to administrative non-functioning. He further submits that the respondents have adopted a hyper technical approach in rejecting the petitioner's claim for reservation, solely on the ground of delayed issuance of certificate. The learned counsel for the petitioner also submits that the case of the petitioner is covered by the judgment of the Hon'ble Supreme Court of India in the case of **Ram Kumar Gijroya vs. D.S.S.B & Anr.**, reported in **(2016) 4 SCC 754**, wherein it has been held that denial of reservation benefit merely on the ground of delayed submission of O.B.C. certificate is illegal when the candidate belongs to the reserved category and fulfills the eligibility criteria. He further refers to and relies upon the judgment of the Hon'ble Supreme Court of India in the case of **Dolly Chhanda vs. Chairman, JEE & Ors.**, reported in **(2005) 9 SCC 779**, wherein it has been held that procedural requirements such as submission of certificates should not defeat the substantive rights of a candidate who is otherwise eligible. It is submitted that in the present recruitment, a large number of candidates were disqualified on documents related ground, which further



indicates that the respondents have adopted a technical approach, instead of a fair and justice oriented approach. It is further submitted that the petitioner has successfully qualified all the stages of examination and is otherwise meritorious and denial of rightful reservation benefit has resulted in grave injustice.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS

5. Per contra, the learned counsel appearing on behalf of the Patna High Court submits that the Non-Creamy Layer certificate was not submitted by the petitioner, along with the application form, therefore, her candidature had been considered under the general category and she has not obtained the requisite marks for being selected under the general category. He submits that in the advertisement itself, it was written in clear terms that the candidates, who will be claiming the benefit of caste based reservation, shall be given only to the candidates who are domicile/permanent resident of Bihar subject to production of domicile (permanent residence) and category/caste/Non-Creamy Layer certificate issued by the competent authority as recognized by law or relevant rules of State of Bihar. It was further mentioned in the advertisement that in case of married women candidates, domicile certificate



and caste certificate/category certificate/Non-Creamy Layer certificate must be issued with the father's name and address, not with the husband's name and address. It was further mentioned that the candidate who fails to produce domicile certificate and caste certificate/category certificate/Non-Creamy Layer certificate shall not be entitled to the benefits of reservation. Such candidates shall be treated as general category candidates.

FINDINGS

6. Having considered the rival submissions and after going through the records, it appears that in the advertisement itself it was mentioned in clear terms that the candidates who fails to produce domicile certificate and caste certificate/category certificate/Non-Creamy Layer certificate shall not be entitled to the benefits of reservation and such candidates shall be treated as general (unreserved category) candidates. Admittedly, along with the application form, the petitioner did not submit the Non-Creamy Layer certificate. The last date for submission of the application form was 18.03.2025 and the Non-Creamy Layer certificate was obtained by the petitioner on 06.02.2026 i.e., much after the submission of the application form. The written test was held on 22.06.2025



therefore, the candidature of the petitioner has rightly not been considered under the E.B.C. category and has been considered under the general (unreserved) category and there is no infirmity in the same.

7. Taking into consideration the facts aforesaid, this Court does not find any merit in the present writ petition and the same is accordingly dismissed.

8. Pending application(s), if any, shall also stand disposed of.

(Ritesh Kumar, J.)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.05.2026
Transmission Date	NA

