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Sangeeta Minki Vs The State of Bihar and Others

CWJC No. 14615 of 2007

Court: Patna High Court

Date of Decision: Feb. 19, 2008

Citation: (2009) 1 PLJR 445

Hon'ble Judges: Navin Sinha, J

Bench: Single Bench

Advocate: Sanjay Pandey, Surendra Kishore Verma, for the Appellant; Sanjeev Kumar Mishra for the state, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

Navin Sinha, J.
Heard the learned Counsel for the petitioner, the learned Counsel for the State as also the learned Counsel appearing on

behalf of the BPSC. The petitioner seeks a mandamus for a direction to consider her case for appointment on the post of Child Development

Project Officer in the Backward Class-II (Surhi) category.

2. Having completed in the preliminary test the petitioner applied in response to a fresh advertisement for appearing at the conventional written

examination. Clause 4(ii) of the advertisement stated that to claim reservation necessary caste certificate (backward caste/extremely backward

caste alongwith creamy layer) issued by the District Magistrate, Additional Collector or SDO was valid. That necessary reservation certificate

could be produced by a candidate at the time of interview.

3. Learned Counsel submits that the petitioner appeared for the interview and submitted the necessary certificate issued by the SDO. In

accordance with the subsequent condition No. 6 of the interview letter requiring her to produce such certificate from the District Magistrate or

Additional Collector, the petitioner applied to the District Magistrate after receipt of the interview call and also in fact deposited the same on

18.9.2007.

4. The respondents did not dispute the genuineness or correctness of the caste certificate of the petitioner issued by the SDO. The contention is

that the SDO concerned was not authorized to issue the certificate. These are internal matters with which the petitioner cannot be stated to be

conversant and aware of. Once status of the person issuing the certificate and the genuineness or validity thereof is not disputed by the respondents

nothing much turns on the same. Clause 6 of the interview letter requiring such certificate to be produced from the District Magistrate or the

Additional Collector was at best supplemental to the original advertisement issued by the respondents inviting application for examination. Any

terms in the interview call letter cannot be at variance with or detract from the conditions of the advertisement so as to absolve the respondents

simultaneously visiting the petitioner with adverse consequences.

5. Now the status of the petitioner as a Backward Class-ll category candidate is not in controversy. It is her case that she has wrongly been

treated as general category candidate and not selected. That she secured 246 marks in her category when a person who has secured 245 has been

selected and recommended.

6. Learned Counsel for the respondents have relied upon an order of the Supreme Court passed in SLP No. 23898 of 2003 to urge that it was

only certificate of the District Magistrate which was admissible and valid. The controversy before the Supreme Court turned more on the incorrect

English rendition of the original Hindi Clause in the advertisement with regard to the production of the caste certificate. The situation at present

where original requirement was fulfilled by production of certificate from the competent Sub-Divisional Officer was not for consideration before the

Supreme Court. This application is therefore disposed off with a direction to the respondents to take fresh decision with regard to the petitioner in

the Backward Class-ll caregory for appointment on the post of Child Development Project Officer in the light of aforesaid observation within a

maximum period of six weeks from the date of receipt and/or production of a copy of this order.