

DEPARTMENT OF POST BIHAR CIRCLE
 COURT FEE
 AUTH. NO. 3184 DT. 16/12/2008

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N. N. Singh P. No. 857/1290

IN THE HIGH COURT OF JUDICATURE AT PATNA
 CWJC No.994 of 2006

RAVINDRA KUMAR SON OF SRI RAM LAKHAN
 PRASAD RESIDENT OF VILLAGE BALIBHADRAPATI,
 P.S. UCHKAGAON, GOPALGANJ.

Versus

1. THE STATE OF BIHAR THROUGH THE SECRETARY,
 AGRICULTURE DEPARTMENT, GOVT. OF BIHAR,
 PATNA.
2. JOINT SECRETARY, AGRICULTURE DEPARTMENT,
 GOVT. OF BIHAR, PATNA.
3. DIRECTOR, AGRICULTURE DEPARTMENT, GOVT. OF
 BIHAR, PATNA.
4. BIHAR PUBLIC SERVICE COMMISSION THROUGH ITS
 SECRETARY, PATNA.
5. OFFICER ON SPECIAL DUTY, BIHAR PUBLIC SERVICE
 COMMISSION, BAILEY ROAD, PATNA.

For the Petitioner :- Mr. Vikas Mohan
 For the State :- Mr. Pankaj Kumar Sinha, A.C. to S.C. III
 For the B.P.S.C. :- Mr. Kumar Brajendra Nath.

3 01/10/2010

The Court has heard learned counsel for the parties in detail on the question of rejection of claim of the petitioner by the Bihar Public Service Commission (hereinafter called the Commission) to treat him as a Scheduled Tribe candidate and against the withdrawal of the recommendation made earlier for appointment on the post of Inspector, Weights and Measures. Annexure-17 is a detailed order which has been passed by the

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Commission in the deliberation held of all its members and the clear fact which has emerged therein is that from the year 1990 onwards Gonds are treated as Backward caste and not Scheduled Tribes in the district of Gopalganj. This is based on various circulars issued by the State of Bihar and the department related thereto. There is weight in the reasoning given by the Commission dependent upon the state of affairs as existed when the question of appointment of the petitioner arose. This Court is not convinced that the decision rendered by the Commission is erroneous and requires interference.

Learned counsel thereafter submits that if the petitioner is given a chance, he can establish his claim and get himself declared as Scheduled Tribe from a forum which will be best suited to him. In this regard, this Court has no objection if the petitioner wants to embark upon but no order or direction can be issued in favour of the petitioner to quash the order of the Commission or to direct them for appointment of the petitioner as a Scheduled Tribe candidate in view of the facts and circumstances rendered in the impugned order.

This writ application has no merit. It is dismissed with the observation as aforesaid.

AMIN/

sd / (Ajay Kumar Tripathi, J.)

CERTIFIED TO BE TRUE PHOTOCOPY
[Signature]
For Joint Registrar
Patna High Court
Notarised U/S 76 Act 1 of 1952

[Signature]
7.10.2010
24.9.2032