
(2020) 01 PAT CK 0350

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 22114 Of 2019

Md. Waris

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 23-01-2020

Acts Referred:

Citation : (2020) 01 PAT CK 0350

Hon'ble Judges : Ashutosh Kumar, J

Bench : Single Bench

Advocate : Bankey Bihari Singh, Shailendra Prasad, Jitendra Kumar Roy, Manish Kumar

Final Decision : Disposed Of

Judgement

1. Heard Mr. Bankey Bihari Singh, learned Advocate for the petitioner and Mr. Manish Kumar, learned Advocate for the Bihar School Examination Board.
2. The petitioner has approached this Court for a direction to the Bihar School Examination Board, Patna (in short the Board) to allow correction in the certificate issued by it to the petitioner for Bihar Elementary Teachers (Trained) Eligibility Test, 2017 in which, because of a wrong entry in the application form, he has been placed in the reserved category BC-II instead of BC-I.
3. The averments made in the counter affidavit of the Board indicate that several opportunities were given to the candidates to make corrections in the on-line form, but the petitioner sat over the matter and awoke only much time had passed. The test was held in the year 2017 and the result was published on 06th of March, 2018.
4. In support of the contention of the petitioner that he falls in BC-I category, several certificates issued by the government functionaries have been annexed with this petition.
5. Learned counsel appearing for the Board, however, submits that law does not

take care of persons who sleep over their rights/cause.

6. The aforesaid dictum may, no doubt, be correct in certain circumstances. But in the present case, merely because there was an inadvertent error in the application form of the petitioner, who has passed the eligibility test and that if the caste category is corrected, the petitioner would not be traversing on the claim of any other, such principle of law cannot be pressed/invoked for rejecting the case of the petitioner. The caste of a particular person which may fetch benefit to him under the present dispensation, cannot be changed by wrong entry in any form, even if it be on his own account. The caste attaches with the birth of a person and cannot be inter changed.

7. Considering this aspect of the matter, this Court directs that in case the petitioner makes a suitable application before the Secretary of the Bihar School Examination Board within a period of three weeks, annexing all the documents in support of his contention that he belongs to BC-I category, the same shall be looked into by the concerned respondent in a holistic manner, who, after taking into account whether the certificates produced are genuine and that such correction would not put other trained candidates to any disadvantage, shall pass a reasoned order in accordance with law within a period of eight weeks of the receipt of such representation, which decision shall be communicated to the petitioner forthwith.

8. With the aforesaid observation/direction, the writ petition stands disposed off.