

---

**(2007) 10 PAT CK 0075**  
**In the Patna High Court**  
**Case No : CWJC No. 9566 of 2005**

Vinod Kumar Prasad

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

---

**Date of Decision :** 31-10-2007

**Acts Referred:**

**Citation :** (2008) 1 PLJR 268

**Hon'ble Judges :** Navin Sinha, J

**Bench :** Single Bench

**Advocate :** Bindhyachal Singh and Prashant Kumar, for the Appellant;

**Final Decision :** Allowed

---

## Judgement

Navin Sinha, J.—Heard the learned Counsel for the petitioner and the State, as also for the Bihar Public Service Commission. The petitioner was granted a caste certificate by letter No. 217 dated 3.8.1994 classifying him as a "GOND", a scheduled tribe.. He applied for appointment on the post of Accounts Clerk/ Assistants in response to an advertisement. Having competed in the selection process held by the commission his name was recommended for appointment in the aforesaid category. When he appeared before the District Establishment Committee for appointment, his caste certificate was re-enquired. By the impugned order dated 5.7.2005 it was held that he was not a "GOND" by caste. His earlier caste certificate was cancelled and he was denied appointment. The petitioner then approached this Court.

2. A supplementary affidavit has been filed today that during pendency of this application the caste certificate of the petitioner has been restored by a fresh certificate in his favour by letter No. 3345 dated 24.8.2007 issued by the Sub Divisional Officer, Dumraon, Buxar certifying that he was "GOND" by caste. The caste status of the petitioner thus stands restored.

3. The only ground for rejection of his appointment after recommendation therefore does not survive any more. The petitioner is therefore clearly eligible

for appointment in accordance with the recommendation made by the commission since his name figures in the list of the successful candidates.

4. Another aspect of the matter is that in the meantime certain others above him and below him in the merit list who were likewise denied appointment on basis of cancellation of their caste certificates came to this Court in CWJC No. 10822 of 2005. A Bench of this Court by judgment and order reported in Baban Prasad and Others Vs. The State of Bihar and Others, set aside the order of cancellation of their caste certificates and directed for appropriate steps to be taken in accordance with law on basis of the recommendation with regard to them made by the commission. It is the case of the petitioner that the aforesaid judgment also covered the case of one Radha Prasad Sah son of Raj Nath Sah who was below the petitioner in the merit list, and who has subsequently been given appointment in pursuance of the judgment of this Court.

5. In the facts and circumstances of the case the only appropriate order now to be passed is for a direction to the respondents 3 and 4 to proceed appropriately for consideration of the appointment of the petitioner in accordance with the recommendation made in his favour by the commission, now that the only ground urged for denial of the appointment has vanished. Let such consideration be done and a final decision be taken in accordance with law within a period of eight weeks from the date of receipt/presentation of a copy of this order keeping in mind the submission of the petitioner that the persons below him in the panel have already been appointed. The writ application stands allowed.