

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.956 of 2014

In

Civil Writ Jurisdiction Case No. 4202 of 2013

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Sunil Kumar, Son of Ramashish Singh, Resident of Village - Tetraha, P.S. - Akorigola, District-Rohtas, at presently posted as Farm Manager, Krishi Vigyan Kendra (K.V.K.) Scada Japanese Farm Katira Bhojpur at Arrah.

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Agriculture, Govt. of Bihar, Patna.
2. The Director Agriculture, Govt. of Bihar, Patna.
3. The Area Development Commissioner cum Chairman, Sone Command Area Development Agency, Sone Bhawan, Daroga Pd. Ray Path, Patna.
4. The Engineer-in-Chief, The Member Interview Committee, Sone Command Area Development Agency, Sone Bhawan, Daroga Prasad Ray Path, Patna.
5. The Zonal Project Director, Zone 2 Bhumi Bihar Salt Lake City, Sector III, Block G.B. Kolkata - 700057.
6. The Programme Co-ordinator Cum Member Secretary, Krishi Vigyan Kendra, 'Scada' Sone Command Area Development Agency, Japanese Farm Katira Bhojpur at Arrah.
7. Sachida Nand Singh, Pitri Sadan Old Bahadurpur, P.S. Rajendra Nagar, District Patna, presently posted in Krishi Vigyan Kendra 'Scada' Japanese Farm Katira Bhojpur at Arrah.

.... Respondents

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Appearance :

For the Appellant : Mr. Ram Subhas Singh, Advocate
For the State : Mr. Sanjay Kumar Ojha, A.C. to G.P.-18
For SCADA : Mr. Naresh Dikshit, Advocate
For Respondent No.7 : Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

8 21-04-2015 This Letters Patent Appeal is preferred against the order dated 2.4.2014 passed by the learned single Judge in CWJC No.4202 of 2013.

The State Government issued an advertisement in the



year 2012 inviting applications for various posts, including that of Subject Matter Specialist (SMS), Agriculture Extension, in the Department of Agriculture. The procedure for selection of the candidates was formulated by a Committee of Nine Members. According to that, the qualification for the post is M.Sc. (Krishi) Bistar/Krishi Arthsastra, the evaluation of qualifications is done for 75 marks, with necessary break-up for various stages of Study. 2 marks are earmarked for each year of experience, subject to maximum of 10 marks.

The appellant, 7th respondent and others applied for the post. The 7th respondent was selected and feeling aggrieved by his non-selection, the appellant filed the writ petition. His contention was that though the marks secured by various candidates were shown, the break-up was not shown.

The respondents filed a detailed counter affidavit. According to him, 7th respondent secured 73 marks whereas the petitioner has secured 60 marks and being less meritorious, he could not be selected. The learned single Judge dismissed the writ petition. Hence, this appeal.

Heard Shri Ram Subhas Singh, learned counsel for the appellant, Shri Sanjay Kumar, learned counsel for respondent No.7, Mr. Sanjay Kumar Ojha, learned Assistant Counsel to

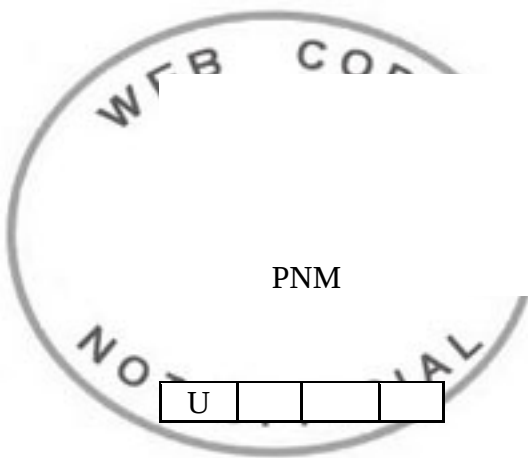
Government Pleader No.18 for the State and Mr. Naresh Dikshit, learned counsel for the respondent-SCADA.

The criteria for selection of candidates were determined by a Committee of nine experts. The selection was made on objective basis and hardly there is any element of subjectivity. 75 marks are allocated for qualifications. Out of that, 5 marks are allotted for Matriculation, 10 marks for Intermediate, 15 marks for Graduation, 25 for Post-Graduate and 10 marks for Ph.D. degree.

It appears that 17 candidates have been considered for the post of SMS (Agriculture Extension). The details of the marks awarded to the candidates are shown in the table, which is made part of record. The appellant secured 50 marks for the qualification held by him and 10 marks for the experience. In contrast, the 7th respondent got 65 marks for the qualifications, that included 10 marks for Ph.D. and 8 marks for experience and his aggregate was 73. Further in the gradation, the appellant figured far below. For example one Anand Kumar secured 72 marks and one Dr. Sachidanand Kumar Pandey secured 69 marks, whereas the aggregate of the appellant is only 60. Under these circumstances, it cannot be said that there is any defect in the selection. The appeal is, therefore, dismissed.

The interlocutory application, if any, shall also stand

disposed of. There shall be no order as to costs.



(L. Narasimha Reddy,CJ)

(Sudhir Singh, J)