

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6666 of 2015

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1. Kumar Kunal Dikshit S/o- Nand Kishore Dikshit resident of village- Badhuwa Tola, P.O. & P.S.- Pirpanti, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Human Resources Development Bihar, Patna.
2. The Vice Chancellor, Bihar Agriculture University, Sabour, District- Bhagalpur.
3. The Director, Administration, Bihar Agriculture University, Sabour, District- Bhagalpur.
4. The Incharge Officer, Recruitment Cell, Bihar Agriculture University, Sabour, District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh
For the State : Mr. Krishna Chandra Jha, AC to AAG 14
For the University : Dr Anil Kumar Upadhyay

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 24-11-2015

Heard counsel for the petitioner and counsel for the University.

Writ is for a direction upon the Bihar Agricultural University, Sabour, Bhagalpur to appoint the petitioner on a post of Fitter in terms of Advertisement No.1 of 2012.

Learned counsel for the petitioner submits that after having gone through the process of selection and interview even a panel was prepared but thereafter no appointments came to be made, therefore, the writ application.

The stand of the University in the counter affidavit is

that no doubt, on the basis of the response to the advertisement, five candidates appeared for interview in the final selection process. The Board did draw a panel and made an assessment of the candidates who appeared but they did not find anybody suitable and fit for such selection. Annexure- D has been annexed, which is the opinion and finding given by the committee.

It is evident from reading of Annexure-D that the committee comprised of eight members made an evaluation of the candidates on the basis of their educational qualification, written examination, experience etc.

One of the grievances of the petitioner was that he had not been awarded any marks for experience whereas he has produced many certificates to show experience.

If any other candidate had been appointed and petitioner was prejudiced because of non-award of marks under experience, may be there would have been a case for consideration but if the entire panel was scrapped as no one was found fit for appointment as Fitter then there cannot be a case of any discrimination or arbitrariness.

Minimum standards or yardstick, which is required to be met for delivery and justification for hiring, has to be left in the hands of the respondents. The Court will not override their opinion when prima facie there is nothing to show that there has been any

deliberate mischief or arbitrariness in not appointing the candidates,
who were shortlisted.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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