

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5786 of 2015

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Ajad Kumar, S/o Arvind Prasad, Resident of Village- Kamarji, P.O. Fatehpur, P.S.- Gaurichak, District- Patna, Pin Code 803201.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Human Resources Development, Deptt. of Secondary and Higher Education, Shastri Nagar, New Delhi.
2. The National Institute of Technology, Patna through its Director, National Institute of Technology, Patna.
3. The Director, National Institute of Technology, Patna.
4. The Registrar, National Institute of Technology, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi, Adv

For the NIT : Mr. Y.V. Giri, Sr. Adv with Mr. S.K. Giri, Adv

For the UOI : Mr. Sujeet Kumar Sinha, CGC.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 15-05-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner pursuant to an Advertisement No. NITP/06/14 as with regard to filling up of the post of Technical Assistant/Junior Engineer(Elect.)/SAS Assistant by the National Institute of Technology, Patna (NIT) had already appeared in the scheduled online test and trade test held on 14.02.2015/15.02.2015, before filing of this writ application and in fact after being declared unsuccessful, this Court is not inclined to go into the question as to whether online test in addition to trade test mentioned in the advertisement

would vitiate the selection process. Once the petitioner had appeared, taking chance and thereafter had become unsuccessful, he cannot be allowed to assail the selection process.

The only submission of Mr. Shahi that the Chairman of the screening committee had no power to prescribe such trade test, would not only be allowing the petitioner to raise an issue which he could have raised before appearing in the online test but also will not be capable of being adjudicated, at the instance of the petitioner, who having taken chance and failed in the online test has now come out to assail the whole selection process by filing this writ application on 13.04.2015, when all such tests as per the terms of the Advertisement were already concluded in the month of March, 2015.

That being so, this writ application is wholly misconceived and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

Ranjan/-

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