

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11932 of 2015

Trihuwan Narayan Singh son of Late Sukhdeo Prasad Mehta, resident of Village -
Khawa Chandra Tola, P.S. - Medni Chowki, District - Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar through Agriculture Production Commissioner, Department of Agriculture, Government of Bihar, Patna.
2. The Rajendra Agriculture University (Bihar), Pusa, Samastipur through its Vice Chancellor.
3. The Vice Chancellor, Rajendra Agriculture University, Pusa, Samastipur.
4. The Registrar, Rajendra Agriculture University, Pusa, Samastipur.
5. The Director Administration, Rajendra Agriculture University, Pusa Samastipur.
6. The Associate Dean- cum - Principal, Tirhut College of Agriculture, Dholi, Muzaffarpur, Rajendra Agriculture University, Pusa, Samastipur.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Arjun Kumar
For the Respondent State: Mr. KUNDAN BHADUR SINGH, SC 22
For the University : Mr. Arvind Ujjwal

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 05-10-2015

Based on Advertisement No.1 of 2006, issued by the Rajendra Agricultural University, Pusa, petitioner applied for the post of Junior Scientist cum Assistant Professor, in the discipline of Agriculture Statistics. Petitioner was selected as one of the candidates but his selection was conditional, in the sense that every candidate including the present petitioner had to give an undertaking and execute a bond that they will qualify NET within three years of such appointment. The University was indulgent enough to extend that period of three years to five years for such candidates. Despite the extended time, many a persons failed to be NET

qualified so the process of easing out such candidates started.

2. They were issued notices initially to submit NET qualification and on their failure to do so, the orders of termination came to be issued.

3. The case of the present petitioner is no different. He is before this Court because the University authorities have also terminated his service w.e.f. 22.8.2015 when 5 years period or window to qualify in NET came to an end.

4. Submission of the counsel for the petitioner is that many a people have been granted exemption. In addition to that, the provisions talk in terms of granting exemption to persons having two years teaching or research or extension education experience in a University/ National Institute of repute.

5. Learned counsel representing the petitioner submits that the petitioner comes within the category of such candidate in whose favour relaxation ought to be made because he has teaching and research experience. Para 13 contains the details of the teaching and research experience petitioner had gained.

6. The word of significance used is a 'University' and 'Institution of repute'. Both the words are loaded words and clearly indicate the kind of standards of teaching or research work which a candidate is expected to have done to earn such a relaxation.

7. In the present case petitioner has acquired some kind of certification from the Intermediate College in the hands of a private

managing committee, not worthy of credence and weightage, which can compel the university authorities or this Court to beget the petitioner benefit of relaxation on the ground of teaching or research experience.

8. Even the University in their counter affidavit have clearly indicated in para 12, which is a clear indication that the University authorities have also considered the declaration of the petitioner with regard to his teaching and research experience, indicated in para 13 and have rejected it as not worthy of any consideration.

9. If that be so, then this Court does not certify in favour of the petitioner that what he has indicated in para 13 of the writ application can bail him out from the sticky situation where he is for not qualifying the NET examination.

10. So far as other submissions are concerned, this Court does not want to waste judicial time for the reason that all such submissions have been pressed into service by various counsels before other Benches and negated. Some of those decisions have been annexed as Annexure D series and to make things worse, those decisions have also been affirmed by Division Benches, meaning thereby that the law on the subject stands to rest so far High Court is concerned.

11. Qualifying NET Examination within the time-frame fixed by the University is a must. No leeway of any kind, contrary to the decisions rendered by diverse Benches of this Court and affirmed by the Division Bench is required to be extended to the present petitioner. The Court has not been informed whether the Apex Court has expressed any

opinion on the correctness or otherwise of the Division Bench's decisions.

12. In view of the above, this petitioner cannot be treated differently than the others. It is his own inability and incompetence not to qualify the NET Examination for five years and that is the reason for his present fate and no amount of submissions or arguments otherwise can help the petitioner to retain his job.

13. Writ application is dismissed.

14. The Court draws and relies on the rationale and reasoning provided in the various decisions, which have been rendered by this High Court on the issue.

(Ajay Kumar Tripathi, J)

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