

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12137 of 2007

=====

Gangesh Kumar Mishra, son of Sri Chandra Kant Mishra, resident of village-Sahiyardih, P.O. & P.S.-Rosera, District-Samastipur.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate-cum-Chairman, Agriculture Technology Management Agency (ATMA), Saharsa.
3. Project Director, Agriculture Technology Management Agency (A.T.M.A.), Saharsa.
4. The NODAL Officer, S.K. Choudhary, Education Trust, Krishi Vigyan Kendra, Basaith Chanpura, Madhubani, Bihar.
5. Rajesh Kumar Sinha, son of Jayanandan Prasad, resident of Nayagaon Near T.B. Hospital, Agamkuan, P.O.-Gulzarbagh, District-Patna. At present posted as Deputy Project Director, Agriculture, Saharsa.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Chandra Mauli Prasad Singh, Advocate

For the Respondent/s : Mr. J. P. Karn, AAG-9

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 14-01-2015

The Department of Agriculture, Government of Bihar, under State Extension Programme for Extension Reforms Scheme, constituted Agriculture Technology Management Agency (ATMA) in different districts of Bihar for which it was required to engage the technical expert on contract basis for the post of Project



Director and Deputy Project Director, Agriculture. Accordingly, for appointment against the said posts of Project Director and Deputy Project Director, an advertisement inviting application as contained in Annexure-1 was issued under the signature of the Agriculture Production Commissioner, Bihar, Patna. The appointments were to be made on contract basis for a period of one year. The committee of ATMA selected the name of eligible candidates and sent the same to the Agriculture Production Commissioner, Bihar for approval.

It would appear from Annexure-3 to the writ petition that name of the petitioner finds place at the top of the wait list candidates for appointment against the post of Deputy Project Director, Saharsa.

However, a complain regarding genuineness of the certificates submitted by the petitioner was received and, accordingly, the District Agriculture Officer, Saharsa sent Letter No. 642 dated 28th September, 2006 and Letter No. 695 dated 18th October, 2006 to respondent no. 4 to submit report regarding genuineness of certificate of the petitioner. The petitioner was also asked to file show cause/explanation in respect of discrepancies in the certificate submitted by him along with his application vide letter as contained in Annexure-4 to the writ petition issued under

the signature of the Project Director, ATMA, Saharsa.

Since the respondents found discrepancies in the certificate of the petitioner, the petitioner was not selected for the post of Deputy Project Director, Saharsa and respondent no. 5 Rajesh Kumar Sinha, who was just below him as wait-list candidate of the select list, was appointed against the said post.

By filing the present application under Article 226 of the Constitution of India, the petitioner has prayed for a direction to be issued to the respondents to appoint him against the post of District Project Director, Saharsa.

Learned counsel for the petitioner has submitted that since some discrepancies were pointed out by the respondents, the petitioner obtained another certificate from the Department of Agriculture and Co-operation, Ministry of Agriculture, Government of India and submitted the same to the respondents. In that view of the matter he ought to have been appointed against the post in question.

On the other hand, learned counsel for the State has submitted that from own showing of the writ petitioner as would be evident from the reply submitted by the petitioner as contained in Annexure-7 to the writ petition, correct documents were not submitted by him along with the initial application and, as such, he

was rightly denied the appointment.

Having heard the parties, in my view, the action of the respondents in not appointing the petitioner on the post of Deputy Project Director cannot be held to be erroneous for the simple reason that admittedly the certificate submitted by the petitioner with the application form was not correct. Apart from other discrepancies, it was issued in the name of one Ganesh Mishra whereas name of the petitioner is Gangesh Mishra. This alone was sufficient to reject the candidature of the petitioner. Moreover, the selection in question pursuant to the advertisement was contractual in nature for a period of one year which has lapsed long back.

For the reasons assigned hereinabove, I find no merit in the present application. Accordingly, the writ petition is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

U			
---	--	--	--