

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14310 of 2016

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Rajiv Lochan son of Sri Sita Ram Singh resident of village - Mafgo, P.S. - Mehus,
District - Sheikhpura, at present resident of Mohalla Maharanipuram, Byepass
Road, near Electric Office, P.S. + District - Sheikhpura.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture,
Government of Bihar, Patna.
2. The Director, Department of Agriculture, Government of Bihar, Patna.
3. The District Magistrate, Sheikhpura.
4. The District Agriculture Officer, Sheikhpura.
5. The Block Agriculture Officer, Sheikhpura.
6. The Secretary, the Bihar Staff Selection Commission, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.

For the Respondent/s : Mr. Sarvesh Kumar Singh, AAG13

Mrs. Sunita Kumari, AC to AAG13

For Staff Selection Commission: Mr. Kamalakant Upadhyay, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 26-09-2016

Petitioner has missed out on being appointed on the post of
Agriculture Coordinator in the exercise completed by the Staff
Selection Commission in terms of the advertisement, contained in
Annexure 6.

The primary contention of the counsel for the petitioner is
that the petitioner is entitled to some more marks for experience than
what has been awarded to him and that is the only reason why the
petitioner did not make it to the cutoff list of eligible candidates.

Attention of the Court has been drawn to the varied kinds of
work experience which the petitioner has acquired by way of

Annexure 2 as well as Annexure 5 and a certificate annexed as Annexure 8.

The case of the petitioner has been put very simply but the facts are not the way the petitioner has perceived and tried to urge before this Court. There were certain ambiguities in the advertisement for such selection with regard to experience. The ambiguity was with regard to nature of experience which are required to be considered for award of marks, indicated in the advertisement.

Staff Selection Commission has reverted to the Court with the counter affidavit. They do accept the position that there was ambiguity as to the marks which was required to be awarded under the head of experience, as also the kind of experience which was supposed to beget marks to the candidates. This led to deliberations and the High-power Committee sat on the issue headed by the Chief Secretary, the Agriculture Production Commissioner, Principal Secretary, General Administration as well as Chairman of Bihar Karamchari Chayan Ayog. The extract of the minutes of the decision dated 21.6.2016 has been brought on record as Annexure R/1 to the counter affidavit.

Counsel for the petitioner has tried to draw assistance from and has placed emphasis on an earlier communication of the Secretary of Agriculture Department dated 15.6.2016 (Annexure 7 to the writ



application), which had only caused more confusion than clarity. This communication has also been taken note of in the minutes of the High-power Committee. It is the stand of the counsel for the Staff Selection Commission that not every kind of experience including what the petitioner may have earned over a period of time will beget him the advantages of marks for experience, which the petitioner claims. It is only experience as Agriculture Coordinator which has relevance.

Counsel representing the Staff Selection Commission submits that what the petitioner has earned in terms of award of marks both under the qualification head as well as experience has been indicated in the counter affidavit. Petitioner is trying to pass on some other experience which was not under the Agriculture Department as also the basis for award of additional marks. The respondents have given him 10 marks for the experience of work as Agriculture Coordinator. But experience earned under a scheme which was being run by the Central Government does not come within the ambit of the decision of the High-power Committee.

With the ambiguity on this issue having been clarified and a decision having been taken, it has been applied across the board and the result of the claimants and the candidates have been declared accordingly.

Obviously effort on the part of the petitioner is to acquire benefit of some more marks on the basis of certain hotch potch kind of experience certificate, which in no way can help him beget additional marks over and above marks which has already been awarded to him for the work done under the Bihar Government, Department of Agriculture, as an Agriculture Coordinator.

No interference of any kind is required with regard to the merit position of the petitioner, by giving a direction for award of additional marks.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.9.2016
Transmission Date	NA