

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.609 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 18220 of 2013

Praveen Kumar Son of Dr. R.S. Yadav, Resident of Shitla Asthan Colony, Police Station- Sabour, District- Bhagalpur

.... Appellant/s

Versus

1. The State of Bihar through the Agriculture Production Commissioner, Bihar, Patna
2. The Bihar Agriculture University, Sabour, Bhagalpur through its Vice Chancellor
3. The Vice-Chancellor, Bihar Agriculture University, Sabour, Bhagalpur
4. The Officer-in-Charge (Recruitment), Bihar Agriculture University, Sabour, Bhagalpur
5. The Registrar, Agriculture University, Sabour, Bhagalpur
6. Binod Kumar Jha, Son of Bhuvneshwar Jha, Resident and P.S. Sabour, District- Bhagalpur

.... Respondent/s

Appearance :

For the Appellant	:	Mr. Siya Ram Shahi with Mr. Md. Najmul Hoda, Advocates
For the State	:	Mr. Mrigendra Kumar, AC to GA 4
For the BAU	:	Mr. Chandra Mohan Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)**

Date: 09-09-2016

The order dated 21.10.2013 passed by the learned
Single Bench of this Court is the subject matter of challenge in the

present Letters Patent Appeal. By the aforesaid order, the selection of respondent no. 6 to the post of Assistant Comptroller was not interfered with.

The Bihar Agricultural University, Sabour issued an advertisement on 01.09.2011 with the following qualification for the post of Assistant Comptroller. The same reads as under:

“4. Assistant Comptroller (Four Posts-02 UR, 01 EBC, 01SC)

Pay Scale-Rs. 9300-34800+G.P. Rs. 4800/-

Essential Qualification: (i.) Good Academic record plus Master's Degree in Commerce/MBA with at least 55% marks or its equivalent.”

The appellant and respondent no. 6 were the candidates for such post whereas respondent no. 6 was appointed having obtained 64.04% marks in the written test and the interview whereas the appellant has secured 53.96 % marks.

The challenge to the appointment of respondent no. 6 is on the ground that the respondent no. 6 has obtained Master of Business Administration degree in Marketing whereas the same was required to be in Accounts, as per the information given to the appellant under Right to Information Act on 02.01.2013 (Annexure-4), therefore, the respondent no. 6 was not eligible for appointment as Assistant Comptroller.

We have heard learned counsel for the parties and find no merit in the present Letters Patent Appeal. The essential qualification, the condition of eligibility as per the advertisement is Master of Business Administration with at least 55% marks or equivalent. There is no specialization stipulated as that of Marketing or of Accounts in the advertisement. The respondent no. 6 is an M.B.A. and has scored better marks than the appellant in the combined written test and interview; therefore, he has been rightly selected and appointed.

We do not find any merit in the present Letters Patent appeal. Consequently, the same is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Anjani/P. Kumar

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19.09.2016
Transmission Date	N/A