

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8118 of 2015

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Sunil Kumar Son of Ram Pravesh Prasad resident of village + P.O.- Madhopur, P.S. Chiraiya District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Agriculture Department, Government Of Bihar, Patna
3. Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur, through the Vice Chancellor.
4. The Registrar, Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur.
5. The Director, Agriculture, Department, Government of Bihar, Patna.
6. The District Magistrate, East Champaran.
7. The District Agriculture Officer, East Champaran.
8. The Director, ATMA, East Champaran at Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh

For the Respondent/s : Mr. Manoj Kumar, AC to GA 10

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 12-07-2016

The advertisement in question is Annexure- 1. The post in question is known as Kisan Salahkar. Since petitioner has not been appointed despite being an applicant he has approached the High Court through the writ application for a direction for such appointment. Submission of the counsel for the petitioner is that he has a three year vocational degree course in Industrial Fish and Fisheries from Baba Bhim Rao Ambedkar Bihar University. Since fishery is one of the subjects indicated in the advertisement, petitioner is eligible for consideration and he has been arbitrarily denied an opening.

Stand of the State in their counter affidavit is that the advertisement is unequivocal. They are looking for graduate degree holders in the subjects indicated therein. Since the petitioner's degree is a vocational degree, it does not come within the clause with regard to educational qualification as advertised.

That is the only issue. No other submissions merit consideration.

It is not for Courts to substitute its wisdom with regard to qualification which a candidate may have. It must match with what has been demanded by an employer as per the advertisement. So far as grievance of the petitioner with regard to him being non-suited on the basis of degree is concerned, if the requirement does not match the 'degree' which he possesses, his degree cannot be utilized for appointment at least on the post for which Annexure- 1 has been issued.

Writ application has not merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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