

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9511 of 2014

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1. Amitesh Kumar S/o Janardan Prasad Yadav Resident of Village Baluachak, Post Office Baluachak, Police Station Jagdishpur, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, General Administrative Department, Patna, Bihar.
2. The Secretary, Bihar Staff Selection Commission, Patna.
3. The Member, Examination Controller, Staff Selection Commission.
4. The Prashakha Padadhikari, Bihar Staff Selection Commission.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Sanjay Kumar Ghosarvey
Mr. Sandeep Patil

For the State : Mrs. Babita Kumari, AC to SC 1

For BSSC : Mr Satyabir Bharti
Ms Aparna Arun

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 29-11-2016

Petitioner was an applicant for appointment under the State against advertisement no.110 of 2010. This was an examination for graduate level candidates. Since the petitioner was not finally recommended after undergoing the process of selection, he decided to file writ application seeking a relief in his favour.

Bereft of all other details, the reason for non-appointment of the petitioner emerges from what has been crystallized in paragraph 11 of the counter affidavit, which reads as under :

“11. That the writ petitioner namely Amitesh Kumar, Roll No.11730291 though had obtained marks more than the lowest cut off in his respective category for

which a candidate was recommended and as such was called for counseling but he did not possess a graduation degree on the cut off date i.e. 26.7.2010 and he had obtained a graduation degree on 06.09.2010 i.e. much beyond the cut off date for possessing a graduate degree. As such, upon verification of his certificate and testimonials at the time of counseling, his candidature was rejected by the Commission in its meeting dated 17.9.2013, as he was found unfit for selection in terms of the advertisement.”

If this be the position then the petitioner did not have eligibility on the cut off date i.e. 26.7.2010 because he passed his graduation only on 6.9.2010.

There are series of orders of similar kind passed by different Benches, which have been annexed with the counter affidavit. They cover the case of the basic principle that eligibility of a candidate must be in place on or before the cut off date. Anything beyond the same does not create a right in anybody’s favour.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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