

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14521 of 2015

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Dr. Aseem Kumar Thakur, Son of Late Kameshwar Thakur, Resident of Flat No.17,
Subha Vila, Kurzi Mor, P.S. Patliputra, District Patna, Bihar.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Department of Finance,
Government of Bihar, Patna.
2. The Principal Secretary, Department of Science & Technology, Government of
Bihar, Patna.
3. The Additional Secretary, Department of Science & Technology, Government
of Bihar, Patna.
4. The Deputy Secretary, Department of Science & Technology, Government of
Bihar, Patna.
5. The Chairman, Bihar Public Service Commission, Jawahar Lal Nehru Marg,
Patna.
6. Dr. Barun Kumar Rai, Rajkiya Mahila Polytechnic College, Muzaffarpur,
Patna.
7. Dr. Anil Kumar Singh, New Government Polytechnic College, Patna-13.
8. Dr. Kumari Arnima, Principal, Rajkiya Mahila College, Pulwari, Patna.
9. Dr. Chandrashekhar Singh, Government Polytechnic College, Muzaffarpur.
10. Dr. Fazle Sarwar, Government Polytechnic, Motihari.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Prabhat Ranjan, Advocate
For the State	:	Mr. Lalit Kishore, P.A.A.G.
For the B.P.S.C.	:	Mr. P.N. Shahi, Senior Advocate
		Mr. Sanjay Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
CAV JUDGMENT

Date: 30-03-2016

Petitioner filed the writ application not only seeking quashing of the recommendation made by the Bihar Public Service Commission (hereinafter referred to be as 'B.P.S.C.') for the post of Principal, Government Polytechnic College but also quashing the reason for rejection of the candidature of the petitioner on the ground that he did not have the A.G.P. of Rs.9,000/-.



2. The main thrust of the argument of the counsel for the petitioner is that vide notification dated 29.09.2015 contained in Annexure-7 and annexed with the supplementary affidavit filed on behalf of the petitioner indicates that this petitioner has been granted A.G.P. of Rs.9,000/- w.e.f. 17.10.2011 since this benefit has been extended from a much prior date than the advertisement issued by B.P.S.C. contained in Annexure-2, therefore, the reason for rejection of his candidature is perverse and erroneous.

3. The contention of the counsel is fit to be rejected for the reason that the date of notification of Annexure-7 is 29.09.2015, i.e., much after the recommendation and selection already completed and carried out by B.P.S.C. On the date of consideration, the petitioner did not have the requisite A.G.P. and, therefore, the rejection was in order.

4. The State has taken a plea in support of the decision taken by the B.P.S.C. and in fact it derives support from a recent decision rendered in the case of *Rajesh Kumar Ranjan vs. The Bihar Public Service Commission & Ors.*, reported in 2015 (3) PLJR 434, a similar question arose and was negated. The relevant paragraphs of the said decision are paragraphs-15 to 18.

5. The private respondents have also opposed the maintainability of the writ application and their stand is in line

with the State. Their plea is that even if for the sake of argument, Annexure-7 may have given the benefit of A.G.P. of Rs.9,000/- to the petitioner from a back date, i.e., 17.10.2011 but since the notification itself is dated 29.09.2015, i.e., much after the exercise for such selection and recommendation, the subsequent development cannot relate back and make such a decision of the B.P.S.C. to be bad, since Annexure-7 was not even in existence at the relevant time.

6. In addition to above, the reasoning given by the Court in the case of Dr. Sita Ram Singh vs. State (CWJC No.12366 of 2015) decided on 30.03.2016 also applies to the present case as well.

7. The writ application, therefore, is required to be dismissed on the ground that the decision of B.P.S.C. does not suffer from any irrationality or illegality.

(Ajay Kumar Tripathi, J.)

Sanjay/N.A.F.R.

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