

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10869 of 2016

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Ajit Anand Son of Bijay Kumar, resident of Village SRi Nagar Hata, P.S. K. Hat, District Purnia, at present residing at BC 7F, DDA/ Flats, Munrika, P.S. Vasant Vihar, District New Delhi.

.... Petitioner/s

Versus

1. The Bihar Public Service Commission, Bailey Road, Patna through its Chairman.
2. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
3. The Joint Secretary cum Examination Controller, Bihar Public Service Commission, Bailey Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Sandeep Kumar
Mr. Ajit Kumar

For the Respondent/s : Mr. Sanjay Pandey

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 09-12-2016

Petitioner was one of the candidates for the post of an Assistant Professor in English in terms of the Advertisement No.45 of 2014. He went through the process of selection and even faced the interview but his candidature was rejected by the Bihar Public Service Commission (BPSC) on the ground that he did not produce the original MA degree before the Commission either at the stage of interview or within the extended time granted by the BPSC on a request made by the petitioner in this regard.

Submission of the counsel for the petitioner is that there is no fault of the petitioner at any stage. He had produced and annexed the provisional degree and because he did not receive the



original degree well in time, therefore, the same could not be produced and verified. It is a fit case where a direction should be issued upon the respondents to take back the decision to cancel his candidature and declare his results.

BPSC has taken a stand that there is neither an element of arbitrariness nor irrationality in the decision because a uniform yardstick has been adopted by a conscious decision of the Commission with regard to such case, which would be evident from reading of Annexure- F to the counter affidavit.

To fortify the argument further it is the submission of the counsel for the BPSC that all along right from advertisement till the stage of interview every candidate has been made aware and even this petitioner was aware that the original certificates indicated in the advertisement and call letter is required to be produced before the BPSC for verification and authentication of the declaration made as to the qualification. Petitioner did not produce it. He made a request of extension of time, which too was granted and even that extended time was not availed of. Finally the result of the selection had to be published and it was published on 11.5.2016.

There is no omission on the part of the BPSC. The problem lay with the petitioner. He has failed to comply with the directives despite the indulgence given by the BPSC. If he could not



obtain the original certificate from his University whatever be the explanation thereof, a concession cannot be made on individual basis. Wherever appointments are required to be made on a public post then a uniform yardstick has to be adopted and from reading of Annexure-F, it is evident that the decision to reject the candidature of the petitioner is not limited to the petitioner but the same ground also formed the basis for rejection of many other candidates.

If that be so then the Court may not be indulgent towards the petitioner on an individual basis because there has to be some kind of consistency and objectivity in applying the requirements in such exercise.

The Court, therefore, will not interfere with the decision of the BPSC to reject the candidature of the petitioner because the failure is of the petitioner and not of the BPSC.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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