

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2230 of 2015
IN
Civil Writ Jurisdiction Case No. 12156 of 2015**

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Sarowar Kumar Son of Late Ram Kishun Paswan Resident of village -
Kamruddinpur, P.S. Begusarai, District - Begusarai

.... Appellant

Versus

1. The Rajendra Agriculture University (Bihar), Pusa Samastipur through its Vice Chancellor
2. The Vice Chancellor, Rajendra Agriculture University, Pusa Samastipur
3. The Registrar, Rajendra Agriculture University, Pusa Samastipur
4. The Director Administration, Rajendra Agriculture University, Pusa Samastipur
5. The Director Extension Education, Rajendra Agriculture University, Pusa Samastipur
6. The Programme Coordinator, Krishi Vigyan Kendra, Bhagwanpur Hatt, Siwan
7. The Bihar Agricultural University, Sabour, Bhagalpur through its Vice Chancellor

.... Respondents

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Appearance :

For the Appellant : Mr. Arjun Kumar, Advocate
For the Respondent State Mr. Arvind Ujjwal, SC-4
For the Respondent RAU : Dr. Anil Kumar Upadhyay, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 04-02-2017

Heard counsel for the parties.

The delay of 21 days is condoned. I.A. No. 9709 of
2015 is allowed.

The order of the learned single Judge dated 10.08.2015
passed in the writ application is under challenge. By virtue of the
order, the learned single Judge has dismissed the writ application,



refusing to interfere with the decision of the respondent Rajendra Agriculture University to terminate or remove the appellant from the post of Subject-matter Specialist on the ground that he has failed to qualify NET examination despite five years of window having been provided to him.

There is no controversy that the NET qualification was a must. However, in the exigencies of facts, the Subject-matter Specialists were hired with a clear statement in the appointment letter that they had to qualify NET within three years. The appellant failed to do so. He was not the only one. Time was extended by another two years, still they failed to qualify the NET and thereafter the termination decision was taken in terms of the appointment letter.

There are a series of decisions where the Courts have refused to interfere with such orders, which have been passed by the University and learned single Judge has taken note of such decision as well.

That being so and keeping in mind that even the similar matter came to be dismissed with a detailed consideration in C.W.J.C. No. 11932 of 2015 in respect of yet another Subject-matter Specialist, there is no way the decision of the learned single Judge is required to be interfered with.



Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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