

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.195 of 2016

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Dr. Ravi Kant Jha Son of Late Saligram Jha, Resident of Village- Hansaur, P.S.
Belsand, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Science and Technology Department, Government of Bihar, Patna.
2. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
3. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.
4. The Joint Secretary-Cum- Examination Controller, Bihar Public Service Commission, Bailey Road, Patna.
5. The Vice Chancellor, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
6. The Registrar, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the B.P.S.C. : Mr. Sanjay Pandey, Advocate
Mr. Vivek Anand Amritesh, Advocate
For B.R.A. Bihar University: Mr. Santosh Kr. Jha, Advocate
For the State : Mr. Arun Kumar, A.C. to GP-1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Date: 11-04-2017

Heard Mr. Rajesh Kumar, learned counsel for the petitioner, learned counsel for the State, Mr. Sanjay Pandey learned counsel for the Commission and Mr. Santosh Kumar Jha for the University.

The petitioner is aggrieved by his disqualification in the selection process vide Annexure-1 *inter alia* on grounds that the M.Sc. Engineering degree was not held valid by the Bihar Public Service Commission for appointment to the post of Principal in



Government Engineering College.

Mr. Rajesh Kumar has relied upon a Division Bench judgment of this Court in L.P.A. No. 1206 of 2016 (***Jyant Ajat Shatru & ors. vs. The State of Bihar & ors.***) rendered on 23.1.2017 to submit that a similar issue having drawn the attention of Division Bench, the decision was drawn in favour of the petitioner to uphold the qualification of Masters in Engineering obtained from the B.R.A. Bihar University. He thus submits that in view of the legal position so settled, the disqualification cannot be upheld. Mr. Rajesh Kumar has, at the same time, also invited the attention of this Court to the minutes of the meeting held in the chambers of the Principal Secretary on 10.9.2012 to submit that the disqualification is resting on such resolution.

Mr. Sanjay Pandey, learned counsel appearing for the Commission has informed that the selection process is over and the appointments recommended.

I have heard learned counsel for the parties and I have perused the records. Although the issue raised by the petitioner does contain substance in view of the Division Bench opinion in the case of ***Jyant Ajat Shatru*** (supra), but the time taken by the petitioner to raise the issue is an obstruction to the relief so prayed.

That the selection process is over and the recommendations



completed, the petitioner is a bit late in approaching the Court for the relief.

In view of the resolution passed in the meeting held by the Principal Secretary dated 10.9.2012 present at Annexure-2, the disqualification of the petitioner by the Commission vide Annexure-1 would suffer no infirmity and even the Division Bench opinion would not enure to his benefit because the selection process was over in the year 2015 while the judgment relied upon was delivered two years thereafter in 2017. May be, the petitioner may have his case in future selection process in view of the Division Bench opinion, but for the present, there is nothing for this Court to offer to the petitioner.

In the circumstances so discussed, no case for indulgence, for the present, is made out. The writ petition is disposed of.

(Jyoti Saran, J)

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