

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No. 804 of 2017

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Kumar Kunal Dikshit, Son of Nand Kishore Dikshit, Resident of
Village- Badhuwa Tola, P.O. & P.S.- Pirpaiti, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar through the Secretary, Human Resources Development, Bihar, Patna.
 2. The Vice Chancellor, Bihar Agriculture University, Sabour, District- Darbhanga.
 3. The Director, Administration, Bihar Agriculture University, Sabour, District- Darbhanga.
 4. The Incharge Officer, Recruitment Cell, Bihar Agriculture University, Sabour, District- Darbhanga. Respondent/s
- =====

Appearance :

For the Appellant/s : Mr. Abhay Kumar Singh No. 1, Advocate
: Mr. Sunil Kumar Karn, Advocate.

For the Respondent no. 4: Mr. Shailendra Kumar Singh, Advocate

For the Respondent/s : Mr. R.N. Singh, AC to AAG15

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

**HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 31-01-2018

I.A. No. 3615 of 2017

Heard parties.

This interlocutory application has been filed for condoning the delay of one year ninety five days in preferring the present appeal.

For the reasons mentioned in this interlocutory application, we are satisfied that the appellant was prevented from sufficient cause from preferring this appeal within time.



As a result, this interlocutory application is allowed and the delay in filing this appeal is hereby condoned.

LPA No. 804 of 2017

Heard parties.

This intra-court appeal has been preferred assailing the order/judgment dated 24.11.2015 passed in CWJC No. 6666 of 2015 passed by a learned Single Judge of this Court by which the writ petition filed by the petitioner for a direction upon the Bihar Agricultural University, Sabour, Bhagalpur to appoint the petitioner on a post of Fitter in terms of Advertisement No. 1 of 2012 has been dismissed.

It is admitted position that for the post of Fitter process of selection and interview was done and even a panel was prepared but thereafter no appointment could be made.

The University in its counter affidavit has stated that five candidates appeared for interview in the selection process. The Board did draw a panel and made an assessment of the candidates but they did not find anybody suitable and fit for such selection.

Learned Single Judge has opined that had it been a case that any other candidate was appointed then the petitioner might have been prejudiced because of non-award of marks under experience and then may be there would have been a case for consideration



but if the panel itself was scrapped as no one was found fit for appointment as Fitter then there cannot be a case of any discrimination or arbitrariness. Learned Single Judge has also opined that minimum standard or yardstick, which is required to be met for delivery and justification for hiring, has to be left in the hand of the Selection Committee and the Court cannot override its opinion when prima facie there is nothing to show that there has been any deliberate mischief or arbitrariness in not appointing the candidates, who were shortlisted.

It is settled law that while exercising the power in intra-court appeal, if two views are possible and one of them has been taken by the learned Single Judge then the appellate court ordinarily does not intervene in the matter.

In the aforesaid facts and circumstances, we are of the view that this matter does not require any interference by this Court.

In the result, this appeal is dismissed.

(Dr. Ravi Ranjan, J)

Vikash/-

(Prakash Chandra Jaiswal, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.02.2018
Transmission Date	NA

