

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3436 of 2016

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Sumant Kumar, Son of Ram Naresh Singh, Resident of Village- Pawan, Po
Dhanwana , PS- Daudnagar, District- Aurangabad, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Revenue and land Reforms Department, Govt. of Bihar, Patna.
3. The Secretary -cum- Director, Land Record, Survey and Settlement Department, Govt. of Bihar, Patna,.
4. The Deputy Director, Survey Officer, Gulazarbagh, Patna- 800007.
5. The Settlement Officer, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi, Adv.
Mr. Mrigendra Kumar, Adv.
Ms. Kusum Kumari, Adv.

For the Respondent/s : Mr. Rakesh Kumar Sharma, AC to SC-9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 02-02-2018

Heard Mr. Siya Ram Shahi, learned counsel appearing for the petitioner and Mr. Rakesh Kumar Sharma, learned Assisting Counsel to Standing Counsel No.9 for the State.

The petitioner is aggrieved by the action of the respondents in not appointing him on the post of Ameen following the selection process initiated through Advertisement No.5 of 2012.

While Mr. Shahi, learned counsel appearing for the petitioner relies upon an experience certificate present at Annexure 2 in support of the experience of the petitioner which was a relevant factor for such appointment, in so far as the award of point is concerned, the submission has been contested by the counsel for the State with reference to paragraph 4 of the counter affidavit in which it is stated that the certificate



of a Survey Knowing Advocate was not valid and thus no point was awarded on experience. It is further mentioned that though the certificate so produced in support of experience was of 3 years, the advertisement recognized experience of 5 years for giving preference. Mr. Shahi on the other hand informs that the candidates with lesser experience have also been given appointment.

Having heard learned counsel for the parties and perusal of records transpires that the advertisement stipulated priority for those having experience of five years as Ameen. Obviously in the nature of appointment sought, in absence of any stipulation present in the advertisement regarding the authority to issue an experience certificate it had to be issued by an authority in the State Government competent to do so and certainly not by a Survey Knowing Advocate Commissioner unless he was authorized to issue such certificate. In my opinion, the certificate of the Survey Knowing Advocate cannot be held a valid certificate for such appointment and thus no infirmity can be found in the decision of the authority in not awarding point on experience to the petitioner.

The writ petition is disposed of.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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