

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4637 of 2016

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1. Santosh Kumar aged about 33 years Son of Ramanand Prasad resident of village-
Vidyapuri, Hilsa, P.S.- Hilsa, District- Nalanda

.... Petitioner/s

Versus

1. The Bihar Staff Selection Commission through its Chairman Patna.
2. The Chairman, Bihar Staff Selection Commission Patna.
3. The Secretary, Bihar Staff Selection Commission Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Respondent/s : Mr. Satyabir Bharti, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 10-04-2018

Heard learned counsel for the petitioner and Mr. Satyabir
Bharti, learned counsel for the Bihar Staff Selection Commission.

The issue raised stands noted in the order of this Court passed
on 6.4.2018 and briefly stated is that the petitioner is aggrieved by the
failure of the Staff Selection Commission to recommend his name for
appointment in the Graduate Level Examination held in 2010.

In reference to paragraph 8 of the counter affidavit Mr. Bharti
has submitted that since the petitioner did not possess the educational
qualification for appearing in the examination as on the cut of date
rather the degree was obtained by him thereafter, that his candidature
was rejected. Mr. Bharti while placing reliance to an opinion of the
coordinate bench in a matter arising from C.W.J.C. No. 9511 of 2014,



a copy of which is placed at Annexure R/C to the counter affidavit submits that identical issue put to consideration, the claim was rejected. For the same purpose learned counsel has also relied upon the judgment of the Supreme Court reported in **(2013) 11 SCC 58 [Rakesh Kumar Sharma Vs. State (NCT of Delhi) & Ors.]** and **2014(1) PLJR 144 (Shashi Bhushan Kumar Versus The State of Bihar)** in support of his submission.

Having heard learned counsel for the parties, in my opinion, the discretion exercised by the Commission is sound for none who does not possess the prescribed qualification on the cut of date can be recommended for the appointment even if he would have been fallowed to sit in the qualifying exam and found successful but that success would not enure to his benefit because he lacked the foundation for such appearance.

It is not in dispute that the petitioner was not a graduate on the cut of date and hence the decision of the Commission not to recommend his name for appointment, cannot be found fault with.

The writ petition is disposed of.

(Jyoti Saran, J)

Bibhash

AFR/NAFR	AFR
CAV DATE	NA
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