

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.849 of 2018

In
Civil Writ Jurisdiction Case No.9399 of 2018

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Md. Naimul Haque Ansari, Son of late Hakim Abdul Rahim, Resident of Club Road, In front of B.D.O. Office, P.S. Arrah Nawada, District- Bhojpur.

... .. Appellant

Versus

1. The State of Bihar through its Principle Secretary, Education Department, Bihar.
2. The Bihar Public Service Commission, Patna through its Secretary.
3. The Chairman, Bihar Public Service Commission, Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Md. Ataul Haque, Advocate
For the Respondent/s	:	Mr. Ashutosh Ranjan Pandey -AAG 15
For BPSC	:	Mr.Sanjay Pandey, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-07-2018

Petitioner was a candidate, who had sought appointment to the post in question and acquired the essential qualification on 15.06.2015 after the cut-off date prescribed for submission of the application i.e. 05.01.2015. Holding that the petitioner acquired substantive qualification after the cut-off date, writ petition has been dismissed and the petitioner challenges the same.

It is well settled principle of law that the last date for acquiring the essential qualification is either the date fixed in the statutory rule and if no such date is fixed, the last date for which,



the application has to be submitted as per the advertisement is treated to be the cut-off date. In this case, admittedly, petitioner acquired the qualification much after the cut-off date and in view of the aforesaid, learned Writ Court has not committed any error in dismissing the writ petition.

For the sake of convenience, we may refer to the certain judgments of the Hon’ble Supreme Court where the aforesaid principle has been reiterated and it has been clearly held that the cut-off date for appointment to the post would be the last date when the application has to be submitted and not beyond that until and unless statutory rule prescribes the cut off date for determining eligibility qualification. { **(2016) 4 SCC 754 (Ram Kumar Gijroya Versus Delhi Subordinate Services Selection Board & Ors.) and (2013) 11 SCC 58 (Rakesh Kumar Sharma Versus Govt. (NCT of Delhi))** }.

With the aforesaid, the appeal stands dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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