

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1805 of 2017

In
Civil Writ Jurisdiction Case No.17742 of 2017

-
-
1. Ashwini Kumar Son of Sri Anil Kumar Resident of Village/Mohalla - Amodei, P.O. - Amodei, P.S. - Ramgarhwa, District - East Champaran (Motihari).
 2. Vishal Kumar Gupta Son of Sri Vijay Kumar Gupta Resident of Village/Mohalla - Amodei, P.O. - Amodei, P.S. - Ramgarhwa, District - East Champaran (Motihari).
 3. Pratik Kumar Son of Sri Rajesh Kumar Resident of Village/Mohalla - Ward No. 2, Near NAC Office, Kachahari Road, Mirganj, Uchkagaon, P.O. + P.S. Mirganj, District - Gopalganj.

... .. Appellants

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. Principal Secretary, Science and Technology Department, Govt. of Bihar, Patna.
3. Bihar Public Service Commission, Patna through its Secretary, 15, Jawaharlal Nehru Marg, Bailey Road, Patna.
4. Chairman, Bihar Public Service Commission, Bihar, Patna.
5. Additional Secretary Cum Examination Controller, Bihar Public Service Commission, Patna.
6. Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.

... .. Respondents

Appearance :

For the Appellants	:	Mr. Rajendra Prasad, Senior Advocate Mr. Pramod Kumar, Advocate
For the Respondent State:		Mr. Ravindra Kumar, AC to AAG-6
For the Respondent BPSC :		Mr. Zaki Haider, Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 25-06-2018

Heard counsel for the parties.

If the advertisement in question has fixed a cut off date
as 01.08.2017 for all the eligible candidates to apply and
participate in the process of selection, the law in this regard is well



settled not only by this Court but even by the Apex Court that eligibility of a candidate must be in place in every respect on or before the cut off date.

Merely because these petitioners-appellants claim that they cannot be blamed for delay in declaration of result due to ongoing strike by the employees of the Magadh University cannot become a ground for allowing their participation in selection, if their result had not been declared and they had not been shown to have passed before 01.08.2017.

The learned single Judge has done no wrong by refusing to pass any order whatsoever may be compelling circumstances for these appellants not having completed their studies or examination process before the cut off date.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	26.06.2018
Transmission Date	N/A

