

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1279 of 2018

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Pradeep Kumar @ Dr. Pradeep Kumar, Son of Shiv Prasad Yadav, Resident of Village-Pipra Tol, Post-Parwa, P.S.-Jainagar, District-Madhubani.. Petitioner
Versus

1. The State of Bihar, through the Chief Secretary, Bihar, Patna.
 2. The Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
 3. The Agriculture Production Commissioner, Department of Agriculture, Government of Bihar, Patna.
 4. The Director Agriculture, Department of Agriculture, Government of Bihar, Patna.
 5. The District Agriculture Officer, Madhubani District Madhubani.
 6. The Bihar Staff Selection Commission, Patna through its Chairman.
 7. The Chairman, Bihar Staff Selection Commission, Veterinary College Compound, P.O.-B.V. College, Patna.
 8. The Secretary, the Bihar State Staff Selection Commission, Veterinary College, Compound, P.O.-B.V. College, Patna.
 9. Mr. Devendra Rajak, the Member of Selection Committee-Cum-Examination Controller, the Bihar Staff Selection Commission, Veterinary College-Compound, P.O.-B.V. College, Patna.
 10. Mr. Misbah Bari, the Member of Selection Committee, the Bihar Staff Selection Commission, Veterinary College Compound, P.O.-B.V. College, Patna.
 11. Mr. Raghunath Prasad, the Member of Selection Committee, the Bihar Staff Selection Commission, Veterinary College Compound, P.O.-B.V. College, Patna.
- Respondents

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Appearance :

For the Petitioner/s : Mr. Nityanand Mishra, Advocate
For the Respondent/s : Mr. Sarvesh Kumar- GP24
For the B.S.S.C. : Mr. Ashok Kr. Dubey Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 03-04-2018

1. The present petition has been filed for setting aside the order issued vide Memo no. 2184 dated 21.08.2017 by the Bihar Staff Selection Commission, Patna whereby and whereunder, the candidature of the petitioner has been rejected on the ground that in the work experience certificate of the petitioner herein, the name of the issuing officer and the office has not been mentioned. The further prayer is regarding modification



of the combined selection list/ result of the Agriculture Co-ordinator published vide Memo no. 3743 dated 24.11.2017 and Memo no. 3754 dated 25.11.2017 by considering the candidature of the petitioner herein.

2. The short facts of the case are that the respondent no. 8 issued Advertisement no. 02010115 dated 29.04.2015 for making appointment to the post of Agriculture Co-ordinators, in pursuance to the new recruitment procedure and service conditions contained in notification dated 11.03.2014. In the said advertisement, it was mentioned that the work experience of the candidate who has already worked in the department of Agriculture, Government of Bihar shall be considered and appropriate weightage shall be given as per Clause 7 of the said Advertisement. The petitioner being fully qualified had applied in pursuance of the aforesaid advertisement and thereafter, was also called for counseling. Subsequently, in pursuance to the orders passed by this Court in **CWJC no. 13658 of 2016**, objections were invited by the Commission and the petitioner had also filed his objection online pursuant whereof, the respondent-Commission, by an order dated 27.07.2017, rejected the case of the petitioner herein on the ground that the work experience certificate submitted by the petitioner does not contain the stamp/ details of the office and the officer who has issued the same.

3. The learned counsel for the petitioner has submitted that though it is true that the work experience certificate submitted by the petitioner herein neither contains the details of the office or the officer who has issued the same, as is apparent from a copy of the same annexed at



internal page no. 13 of the counter affidavit filed by the Bihar Staff Selection Commission but the petitioner cannot be faulted for the mistake of the authorities, nonetheless a further clarification was issued regarding the work experience certificate of the petitioner dated 19.03.2015 by the office of the District Agriculture Officer, Madhubani vide Memo no. 1022 dated 06.06.2017.

4. *Per contra*, the learned counsel for the respondent-Commission has submitted that the certificate pertaining to the work experience submitted by the petitioner at the time of counseling neither mentions the name of the office by which it was issued nor the designation or stamp of the issuing authority was found on the said certificate, hence his case was examined and rejected by a speaking order.

5. The learned counsel for the petitioner has further submitted by referring to the supplementary affidavit filed by the petitioner that similarly situated candidates who had also submitted similar type of work experience certificate have been selected and appointed as Agriculture Co-ordinator, one of such candidate by way of example being Mr. Vijay Kumar Singh.

6. In reply to the aforesaid statement, the learned counsel for the Commission has submitted that the case of the said Vijay Kumar Singh is entirely different inasmuch as, in the certificate of the said Vijay Kumar Singh, name of the office as well as designation of the officer issuing the said certificate has been mentioned, however in the case of the petitioner's certificate, the said details are missing. It is further submitted that the



instructions mentioned in the communique of the respondent-Commission annexed as Annexure-4 to the writ petition is only with regard to the missing letter number and date on the experience certificate and the cases wherein, no stamp or details of the officers/ office have been mentioned are not required to be considered.

7. Heard the learned counsel for the parties and having considered the facts and circumstances of the case, I am of the view that firstly, there is dispute among the parties with regard to the veracity of the certificate inasmuch as the petitioner claims that the certificate had contained the name of the office and designation of the officer issuing the certificate while on the other hand, the respondent-Commission has annexed the copy of the certificate submitted by the petitioner which shows that no details about the officer and office issuing the said, have been mentioned in the certificate submitted by the petitioner, hence admittedly, the present case contains disputed question of facts which cannot be adjudicated in a writ petition inasmuch as, no legal issue is required to be adjudicated in the present case. Secondly, upon perusal of the certificate submitted by the petitioner before the Commission as produced in the counter affidavit filed by the Commission, it is apparent that the certificate regarding the work experience of the petitioner neither contains the name of the officer nor the details regarding the office which has issued the said certificate much less the office seal, hence the respondent-Commission was right in not accepting the said work experience certificate and granting weightage in marks to the petitioner, based on the said certificate inasmuch



as, a bare perusal of the said certificate does raise a question with regard to its authenticity and moreover, the same suffers from a total lack of any sort of details. The respondent-Commission is vested with the onerous duty of selection and in case, it is saddled with such type of mineal work of scrutiny of un-authenticated and clueless certificates, the Commission would not be able to fulfill the objective for which it has been established.

8. Having regard to the facts and circumstances of the present case, I do not find any merit in the present petition, hence the same is dismissed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	27.03.2018
Uploading Date	03.04.2018
Transmission Date	-

