

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16822 of 2018

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Ganesh Prasad, son of Sitaram Prasad, resident of Ward No. 4, Chichari Kanungo, P.S. Chichari Kanungo, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Bihar, Patna.
2. The Principal Secretary, Agriculture Department, Bihar, Patna.
3. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
4. The Bihar Public Service Commission through its Secretary, Bailey Road, Patna.
5. The Agriculture Production Commissioner (APC), Agriculture Department, Government of Bihar, Patna.
6. The Director, Agriculture Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nawal Kishore Singh, Advocate
For the B.P.S.C.	:	Mr. Sanjay Pandey, Advocate
For the State	:	Mr.Dhurjati Kumar Prasad -GP-14

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 17-05-2019

Heard Mr. Nawal Kishore Singh, learned advocate for the petitioner, Mr. Dhurjati Kumar Prasad, learned G.P.-14 for the State and Mr. Sanjay Pandey, learned advocate for the Bihar Public Service Commission.

The petitioner has approached this Court for a direction to the respondents to consider the case of the petitioner for his regular appointment on the post of



Assistant Director (Plant Protection), Bihar Agriculture Service, Category-V.

It has been submitted on behalf of the petitioner that pursuant to the advertisement No. 89 of 2014 issued by the Bihar Public Service Commission, no weightage has been given to such candidates who have experience or who have gained experience while rendering service on contract or regular basis in terms of the policy decision of the State Government viz. Resolution No. 8025 dated 21.05.2013 of the General Administration Department.

The major plank of the argument of Mr. Singh, learned advocate is that in a similar matter but with respect to advertisement No. 86 of 2014, the issue whether weightage be given to the candidature of such aspirants having experience in service, a Division Bench of this Court in C.W.J.C. No. 2454 of 2018 and C.W.J.C. No. 5124 of 2018 has asked for an information by way of an affidavit sworn by an Officer nominated by the



Chief Secretary of the State to indicate why different policies are being adopted by different Departments with respect to grant of weightage in matters of selection. The Division Bench, in the aforesaid two writ petitions has also taken note of the arguments advanced on behalf of the petitioners therein that if other Departments have been giving weightage to such candidates for the purposes of employment/ selection, it would only be a hostile discrimination to such candidates who have applied for specific posts in the Department of Agriculture.

While asking for such details/clarifications from the Government, the Bihar Public Service Commission has been directed by the Division Bench not to publish the final result but has permitted the Commission to continue with the selection process.

Mr. Singh, has submitted that if the Commission has been prevented from publishing the final result till the adjudication of the aforesaid issue



with respect to advertisement No. 86 of 2014, the petitioner is not asking for more if he also prays for a direction to the Commission for not publishing the result of the examination conducted against the advertisement No. 89 of 2014 without the issue of weightage being adjudicated by the Division Bench.

Such order preventing the Commission from publishing the final result has been passed by the Division Bench which is in the process of testing the correctness of the decision of the Government in its Department of Agriculture, which may not be possible for this Court to adopt. A rule perhaps has been made not to give weightage to any candidate on the ground of experience.

All that this Court can direct is that the case of the petitioner be considered by the Commission in case a representation is made to the Secretary of the Commission intimating him about the decision of the Division Bench of this Court in C.W.J.C. No. 2454 of



2018 and C.W.J.C. No. 5124 of 2018 not to publish the result till the issue of giving weightage/right of aspirants to claim weightage on the ground of experience gained by them by rendering the service on temporary/*adhoc*/regular basis is decided.

The learned advocate for the petitioner submits that the petitioner would be satisfied if he is permitted to make such representation before the Commission and the Commission in turn be directed to dispose off such representation within a reasonable period of time, preferably before the result of the examination conducted against advertisement No. 89 of 2014 is published.

Under the aforesaid circumstances, the petitioner is directed to make such representation before the Secretary of the Bihar Public Service Commission, Patna, annexing a copy of this order as also the orders passed in the two writ petitions viz. C.W.J.C. No. 2454 of 2018 and C.W.J.C. No. 5124 of 2018 by the Division



Bench of this Court within a period of two weeks from today, which shall be disposed off within a period of two weeks thereafter.

With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18/05/2019

