

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5327 of 2015

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Shobhana Kumari W/o Santosh Kumari R/o Mohalla Chitragupta Nagar, Club Road, Aurangabad. The then Account Assistant Cum Data Entry Operator, Office of Block resource centre, Obra, Aurangabad Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Human Resources Department, Government of Bihar, New Secretariat, Patna
3. The Director, Bihar Education Project, Beltron Bhawan, Bailey Road, Patna
4. The District Magistrate, Aurangabad Bihar
5. The D.D.C., Aurangabad, Bihar
6. The District Superintendent of Education Cum District Program Co-ordinator, Bihar Education Project

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the State	:	Mr. Anil Kumar Verma, AC to AAG 9
For the BEPC	:	Mr. Girjesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 19-02-2019

Heard counsel for the petitioner as well as respondents.

2. The case of the petitioner is that pursuant to the employment notice no. 01 of 2007 petitioner applied for appointment as Accounts Assistant-cum-Data Entry Operator under the Education Project. The initial appointment by Annexure 4 dated 13.07.2007 was for a period of three years or till the project was completed. Since the project was not completed within three years, service of the petitioner on a fixed monthly payment was thereafter, extended. He submits that though he is possessing the requisite qualification prescribed in



the said advertisement the authorities by letter dated 13.05.2014 have terminated the petitioner's contractual engagement on the ground that the petitioner does not possess the requisite qualification.

3. It is submitted by Mr. Singh on behalf of the petitioner that on the basis of the graduation certificate issued by Vinoba Bhave University, Hazaribagh dated 01.11.2004 and the computer proficiency certificate issued by Oxford Computer Saksharta Mission, Patna (Annexure 3 series) the petitioner was appointed and his contractual engagement extended. He submits that since the said certificates have been accepted as satisfying the requisite qualifications, the same cannot be made the basis of termination of his contractual engagement.

4. The advertisement specifically provides the minimum educational qualifications for appointment on contractual basis to the post in question. There are two requirements. One is a graduation in commerce, and second a degree or diploma in "Computer Application". The certificate in support of the computer proficiency of the petitioner is not a degree or the diploma in the "Computer Application". The same is a diploma in "Financial Accounting".

5. Prima facie as per the petitioner's own case he is not



satisfying the requirement in terms of the advertisement no. 01 and 2007 as he does not possess either a degree or diploma in “Computer Application”.

6. In view of the aforesaid position, this Court does not find any merit in the claim made by the petitioner.

7. Writ petition is dismissed.

8. Petitioner’s counsel submits that for the period during which he has discharged his duties, there are some dues outstanding.

9. In view of such submission, liberty is granted to approach the authorities for payment in respect of any period for which he may have worked.

(Madhuresh Prasad, J)

Prakash/-

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CAV DATE	
Uploading Date	
Transmission Date	

