

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No. 1703 of 2017

In
Civil Writ Jurisdiction Case No.892 of 2011

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Dr. Lakshmi Mahto, son of Shri Vishweshwar Mahto, resident of village Post
- Singhaul Bachwa Chak, P.S. - Singhaul, Via - Ulao, District - Begusarai.

... .. Appellant/s

Versus

1. Rashmi Sikha, W/o Sri Abhinav Kumar Verma Resident of Laxmi Sagar, Mukhiyaji Pokhar - North 52 Bigha, P.O. - Laxmi Sagar, District - Darbhanga.
2. The State of Bihar through the Principal Secretary, Higher Education Department of Human Resources
3. Gramin Pratisthan Higher Education, Birauli, District - Samastipur through its Director-cum-Secretary.
4. The Hon'ble Minister, Department of Human Resources, Government of Bihar-cum-the President Gramin Pratisthan Higher Education, Birauli, District - Samastipur
5. The Director, Higher Education, Department of Human Resources and Development, Government of Bihar, Patna-cum-Secretary, Gramin Pratisthan Higher Education, Birauli, District - Samastipur
6. Sri Kailash Mahto S/o not known retired Professor and Head of Department of Geography, Patna University, Patna.
7. Sri Ramashankar Arya S/o not known Professor Philosophy, PG Department, Patna University, Patna.
8. Sri Balgangadhar Prasad S/o not known Head of Department of Maths, B.N. College, Patna University, Patna.
9. Sri B.P. Singh S/o not known Professor and Head of Department of Economics, Patna University, Patna.
10. Sri U.K. Sinha S/o not known Professor and Head of Department of Botany, Patna University, Patna.
11. Sri Ashok Kumar S/o not known Chairman, Selection Committee held on 17.07.2010 at Jagjivan Ram Institute of Parliamentary Studies and Political Research for Selection of Geograpgy for Gramin Pratisthan Higher Education, Birauli, Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Abhinav Srivastava
For the Respondent/s : Mr.Ashutosh Ranjan Pandey -Aag15

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE ANIL KUMAR SINHA



ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

Date : 22-11-2019]

Heard Mr. Abhinav Srivastava, learned counsel appearing on behalf of the appellant.

2. The instant Letters Patent Appeal has been preferred by the appellant against the judgment dated 02.08.2017 passed by the learned single Judge in CWJC No. 892 of 2011, by which the writ petition filed by the respondent no. 1 has been allowed and the appointment of the appellant as Lecturer (Geography) in Gramin Pratisthan Higher Education, Birauli, District – Samastipur (hereinafter referred to as the ‘Institute’), has been set aside holding him ineligible for appointment.

3. Mr. Srivastava, learned counsel appearing on behalf of the appellant submitted that the learned single Judge has failed to appreciate that the appellant holds the requisite educational qualification, as per advertisement dated 03.06.2010, for participation in the process of selection for consideration of cases of candidates for appointment against the post of Lecturer in Geography at the Institute. He submitted that the Selection Committee constituted for the purposes of making recommendation for appointment of candidates against different posts is a body of experts. Learned single Judge failed to appreciate that the recommendations made by such a selection



committee was not subject to judicial review unless in absence of any glaring instance of illegality committed by the committee.

4. Having heard Mr. Shrivastava, learned counsel for the appellant, and perused the materials on record, we find that an advertisement dated 03.06.2010 was issued, pursuant to which the appellant and others applied for contractual appointment as Lecturer (Geography) in the Institute. The advertisement stipulated 15.06.2010 as the last date for submission of application forms accompanied by attested copies of the testimonials and requisite bank drafts. The appellant did not have a certificate of Ph.D. before the last date for submission of the application forms. In spite of the mandatory requirement of submitting the documents of the requisite educational qualifications along with the application form by the last date as stipulated in the advertisement not having been fulfilled, the Selection Committee allowed the appellant to appear in interview and recommended his name for appointment to the post of Lecturer by placing him at Sl. No. 1 and respondent no. 1 was placed at sl. no. 2 of the merit list .

5. It is in this background, respondent no. 1 filed a writ petition vide CWJC No. 892 of 2011 challenging the recommendation of appointment of the appellant by the Selection Committee. The learned single Judge, having examined the materials on record, found that the certificate of having passed



Ph.D. examination so submitted by the appellant was issued on 25.06.2010 and the provisional certificate was issued to him thereafter on 15.07.2010.

6. Having taken note of the aforesaid undisputed facts, the learned single Judge held that since the certificates relating to the educational quantification were furnished after the last date of submission of application form, the Selection Committee ought not to have recommended the name of the appellant for appointment against the post of Lecturer (Geography) in the Institute. The reasons assigned for allowing the writ petition by the learned single Judge are cogent and based on the admitted facts of the case. In absence of any palpable infirmity in the impugned judgment, no interference is warranted in the present intra-court -appeal.

7. The appeal is devoid of any merit.

8. It is dismissed accordingly.

(Ashwani Kumar Singh, J)

(Anil Kumar Sinha, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

