

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15548 of 2019

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1. Gautam Kumar S/o Shri Navlesh Singh, Resident of Pura, Wazirganj, P.S. Wazirganj, Dist. Gaya, Pin-805131
 2. Vikash Kumar S/o Shri Umesh Prasad Resident of Khudaganj, PO Khudaganj, Islampur, PS Islampur, Dist. Nalanda, Pin 801303
 3. Vivek Kumar Burnwal S/o Shri Onkar Prasad Burnwal, Resident of Village Borwa, POst Borwa, PS Jhahjha, Dist. Jamui

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Personnel and Training, Ministry of Personnel Public Grievance and Pensions, New Delhi.
2. Staff Selection Commission, Block No.12, GGO Complex, New Delhi through its Secretary
3. Chairman, Staff Selection Commission, Block No.12, GGO Complex, New Delhi
4. Secretary, Staff Selection Commission, Central Range, 34 A, M.G. Marg, Kendriya Sadan, Civil Lines, Prayagraj, Pin-211001
5. Magadh University, Bodh Gaya through its Registrar
6. Vice Chancellor, Magadh University, Bodh Gaya
7. Registrar, Magadh University, Bodh Gaya
8. Controller of Examination, Magadh University, Bodh Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava
For the Staff Selection Commission: Mr. Rajesh Kumar Verma, ASG
For the Magadh University : Mr. Amitabh Sohan, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 06-08-2019 Heard the learned counsel for the parties.

The petitioners have approached this Court for a direction to the concerned respondent, especially the Secretary of the Staff Selection Commission (Respondent No. 4) for considering the cases of the petitioners at the final



tier of selection process, namely, Data Entry Skill Test / Computer Proficiency Test.

It has been submitted on behalf of the petitioners that they apprehend that because their results of the minimum qualification of Graduation has not been declared by the Magadh University before the cut-off date of 1st of August, 2017, they may not be considered for appointment.

It may be necessary to note that the Staff Selection Commission has come out with an advertisement for Combined Graduate Level Examination, 2017 for appointment on various posts and petitioners being final year students of Graduation in Magadh University had applied for being considered for such post for which they had the requisite qualification. Under Clause-6 of the aforesaid advertisement, the essential qualification as on 1st of August, 2017 has been stated to be Bachelor's degree from a recognized university or the institution. Sub-clause (iv) of Clause 6 of the advertisement further provides a concession that the candidates appearing in the final year of their Graduation can also apply but they must possess essential



qualification on or before 1st of August, 2017.

On a plain reading of Sub-clause (iv) of Clause 6, it appears rather contradictory in as much as if concession is given to a candidate to apply who is a final year student of Graduation whose result has not been published, it would be incongruous in the circumstance to expect him to possess essential qualification as on 1st of August, 2017, the cut-off date fixed.

However, the later part of the advertisement (Section (C) of Clause-6) clarifies the position. The said Section (C) of Clause-6 is being extracted hereinbelow for ready reference:

"6(C): All candidates who are declared qualified by the Commission for appearing at the Data Entry Skill Test / Computer Proficiency Test will be required to produce the relevant certificates such as Mark sheets for all the three years of Graduation / Provisional Certificate / Certificate of Graduation in original as proof of having acquired the minimum educational qualification on or before the 1st August, 2017, failing which the candidature of such candidates will be cancelled by the Commission. The



Candidates who are able to prove, by documentary evidence, that the result of the qualifying examination was declared on or before the cut-off date and he / she has been declared passed, will also be considered to meet the Educational Qualification.”(emphasis provided)

The concession to such candidates has been clarified by providing that any candidate who is able to prove, by documentary evidence, that the result of the qualifying examination was declared on or before the cut-off date and he / she has been declared passed, will also be considered have possessed the requisite educational qualification.

Mr. Abhinav Srivastava, learned Advocate for the petitioners has submitted that the petitioners were, at the time of applying for such posts, final year students of Graduation from Magadh University, who had actually written their examination and the results were also prepared but because of ongoing strike in the university, the result was not declared. Taking advantage of the concession given in Clause 6 (C) of the advertisement, the petitioners have furnished certificates of the university indicating that they



have passed the examination and the results are to be declared later.

However, the petitioners have orally been informed by the Commission that because of their not having basic qualification as on 1st of August, 2017, they would not be considered.

A representation has been filed by the petitioners, copy of only one such representation but has been brought on record. Such representation has not been adverted to and the fear of the petitioners that they shall not be considered finally has not been allayed; rather exacerbated by no response to such representation.

The petitioners, under the aforesaid circumstances, are directed to make a suitable representation to the Secretary, Staff Selection Commission, Central Range, 34, A.M.G. Marg, Kendriya Sadan, Civil Lines, Prayagraj (Respondent No. 4) within a period of one week along with a copy of such certificate of the university declaring them to have passed, which representation shall be disposed off by a reasoned order, within a further period of two weeks of the



receipt of such representation but in any case before the final selection is made pursuant to the advertisement. Since the petitioners have been allowed to participate in the three earlier tiers of examination against the aforesaid advertisement, it is expected that if the petitioners fulfill the eligibility criterion fixed in the advertisement, they be not non-suited from consideration.

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

(Ashutosh Kumar, J)

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