IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18866 of 2019

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Rajeev Ranjan, s/o Sri Jyotish Choudhary, resident of village- Paidapur (Mahouta), P.O.- Amarpur, P.S.- Amarpur, Dist- Banka, Bihar.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Agriculture Department.
2. Principal Secretary, Agriculture Department, Bihar, Patna.
3. The Director, Bihar Agriculture Management and Extension Training Institute (BAMETI) Agriculture Deptt. Jagdeo Path- Anisabad Road, P.O.- Sahay Nagar Bihar, Patna- 801506.
4. Dy. Director, BAMETI, Bihar (Information Technology), Jagdeo Path- Anisabad Road, P.O.- Sahay Nagar Bihar, Patna- 801506.
5. Dy. Director (Prashar Prabandhan) BAMETI, Jagdeo Path- Anisabad Road, P.O.- Sahay Nagar Patna, Bihar- 801506.
6. The Project Director, Agricultural Technology Management Agency (ATMA), Agriculture Department, Banka.
7. Vani Systems (Private Service Provider) H.O. 16, Vidhan Sabha Marg, Above Andhara Bank, Lucknow- 226001, Branch Office- In back of P.N.B., Punai Chak, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bimalesh Kumar, Advocate.
For the State	:	Mr. Chittaranjan Sinha, PAAG-2
		Mr. Shailendra Kumar, A.C. to PAAG-2.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 15-10-2019

Heard learned counsel for the parties.

2. The matter relates to engagement of Accountant on contractual basis under Sub-Mission on Agricultural Extension (ATMA Yojana) at the District/Block level under the guidelines issued by the Director Bihar Agricultural Management and Extension Training Institute (BAMETI). Minimum eligibility criteria in terms of educational qualification and work experience

has been prescribed in the guidelines. The said guidelines were issued on 11.12.2018, which has been brought on record by way of Annexure-6 to the writ application. Clause 11 of the guidelines deals with determination of merit points for the post of Accountant, on the basis of percentage of marks secured by candidates in different examinations (Matriculation and Intermediate). Sub Clause ख (kha) of Clause 11 of the guideliens stipulates giving weightage for work experience for candidates having work experience of more than the minimum work experience prescribed under the guidelines.

3. On close reading of the guidelines which has been brought on record by way of Annexure-6, it can be easily noticed that for considering ‘work experience’ as minimum eligibility condition, experience of having worked in a ‘private organization’, as an Accountant, has been made admissible. Said differently, a person who has experience of having worked for three years under; (i) State Government of Bihar (ii) Government of India (iii) Semi Government Organizations (iv) Autonomous Organizations under the Central Government or the State Government and (v) reputed Private Organizations dealing with the agriculture, is eligible to be considered.

3. Sub Clause ख of Clause 11 of the guidelines which provides for weightage to be given against work experience, however, does not include experience gained by a person of having worked in a private organization.

4. The only grievance which the petitioner has, is that weightage should be given to him for his work experience in a private organization. The petitioner has put to challenge letter No. 115/Part/BAMETI/2018/993 dated 22.07.2019 (Annexure-7) whereby it has been clearly mentioned that weightage against work experience shall be given, only if such experience has been gained while working in either of (i) State Government of Bihar (ii) Government of India (iii) Semi Government Organizations (iv) Autonomous Organizations under the Central Government or the State Government and (v) reputed Private Organizations dealing with the agriculture.

5. Mr. Bimlesh Kumar, learned counsel appearing on behalf of the petitioner has relied on Clause 2 of the guidelines at Annexure-6 and has very vehemently argued that work experience in a private organization dealing with the agriculture is a valid and recognized qualification and in that background, subsequent guidelines dated 22.07.2019 (Annexure-7) denying work experience under a private organization for the purpose of grant of

weightage, is arbitrary and illegal. He has submitted that Clause 3 of the said letter dated 22.07.2019 is in conflict with the guidelines as contained in Annexure-6 to the writ application.

6. In my opinion, however, paragraph-3 of Annexure-7 dated 22.07.2019 which prescribes that weightage for work experience shall be given to such candidates only who have experience of working under BAMETI/ATMA/Government/Semi-Government Organizations etc. cannot be said to be inconflict with any stipulation under the guidelines at Annexure-6. It is evincible on reading of Clause 2.1 of the guidelines at Annexure-6 that three years' work experience in Government/Semi-Government/Autonomous Organizations under the State Government and even in Private Organizations is a valid minimum eligibility qualification for being considered for selection and appointment as an Accountant. There is clear distinction between Clause 2 and Clause 11 of the guidelines at Annexure-6, and it can be easily noticed that Clause 11/ख (kha) does not prescribe giving weightage to candidates who have acquired work experience in a private organization.

7. The logic developed by the petitioner to question the correctness of paragraph-3 of the letter dated 22.07.2019 is not at all tenable.

8. This application has no merit, and is, accordingly dismissed.

(Chakradhari Sharan Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17/10/2019
Transmission Date	NA