

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20551 of 2019

Dr. Dhananjay Kumar @ Dhananjay Kumar Son of Rajendra Prasad Singh,
Resident of Village- Oraina, Police Station- Mufassil Nawada, District-
Nawada.

... .. Petitioner.

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Principal Secretary, Animal and Fishery Resources Department, Govt. of Bihar, Patna.
5. The Secretary, Animal and Fisheries Resources Department, Govt. of Bihar, Patna.
6. The Deputy Secretary of Government, Animal and Fishery Resources Department, Govt. of Bihar, Patna.
7. The Director, Animal and Fishery Resources Department.
8. The Bihar Public Service Commission, through its Chairman, Bailey Road, Patna.
9. The Chairman of the Bihar Public Service Commission, Bailey Road, Patna.
10. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.
11. The Joint Secretary-Cum-Examination Controller, Bihar Public Service Commission, Bailey Road, Patna.

... .. Respondents.

Appearance :

For the Petitioner	:	Mr. Ranjan Kumar Singh, Advocate.
For the State	:	Mr. Raj Kishore Roy (GP-18).
For the BPSC	:	Mr. Ashok Kumar Choudhary, Advocate. Mr. Akshansh Ankit, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date : 02-12-2019

Let the supplementary affidavit filed on behalf of
the petitioner be kept on the record.

2. Heard the learned counsel for the parties.



3. The petitioner has filed this writ application invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India for issuance a writ of mandamus, directing the respondents to consider his appointment on the post of Mobile Veterinary Medical Officer by considering his Experience Certificate as Subject Matter Specialist (SMS) (Animal Science) since January, 2015 to 09.03.2018 in view of sub-Clause-II of Clause-3 of the Advertisement No.01 of 2017 (Annexure-1 to this writ application) on the vacant post, arising out of due to non-joining of the finally selected candidates.

4. Learned counsel for the petitioner submits that in pursuance of the Advertisement No.01 of 2017 (Annexure-1 to this writ application) for the appointment of Mobile Veterinary Medical Officer on 903 posts, the combined merit list was published by the Bihar Public Service Commission, wherein the name of the petitioner was placed at serial no.418 and the petitioner obtained 60.250 marks under General Category (Male) and the cut off marks for General Category (Male) was 65.825 and the last selected candidate under the General Category (Male) was Rakesh Ranjan, who is above the petitioner in the merit list. The petitioner is within last 15



unsuccessful candidates, just below the cut off marks of General Category. He further submits that it would appear from the combined merit list of the Mobile Veterinary Medical Officer that the name of the petitioner has not been declared as successful candidate because of non-adding the weightage of the petitioner for his experience for more than two years as Subject Matter Specialist (SMS) in preparing the merit list, while the petitioner had filled-up the form, showing his experience as required under Clause-VII of the Advertisement No.01 of 2017 (Annexure-1 to this writ application). Had the weightage of the experience as Subject Matter Specialist (SMS) of the petitioner been counted, the petitioner would have certainly come in the merit list. Experience Certificate of the petitioner is annexed as Annexure-6 to this writ application.

5. Learned counsel for the Bihar Public Service Commission/Respondent nos.9, 10 and 11 submits that it would appear from the Advertisement No.01 of 2017 (Annexure-1 to this writ application) regarding the recruitment of the Mobile Veterinary Medical Officer, in Clause-VII of the same, it is specifically detailed that the experience certificate was to be issued by the Director, Animal Husbandry, Government of Bihar, Patna, and details of the same was also to be given in the



application form, which was to be furnished till 31.03.2017 but the experience certificate (Annexure-6 to this writ application) of the petitioner appears to be issued by the Senior Scientist and Head of Krishi Vigyan Kendra on 09.03.2018, after the last date of the filling up the form. Moreover, Annexure-6 to this writ application also indicates that the same was not issued by the Director, Animal Husbandry, Government of Bihar, Patna, as required under Clause-VII of the Advertisement No.01 of 2017 (Annexure-1 to this writ application).

6. From perusal of Clause-VII of the Advertisement No.01 of 2017 (Annexure-1 to this writ application), it appears that for the weightage, experience certificate of Subject Matter Specialist (SMS) was to be furnished by the candidates at the time of submission of the application form after obtaining the same from the Director, Animal Husbandry, Government of Bihar, Patna, till 31.03.2017 but Annexure-6 to this writ application shows that the experience certificate as Subject Matter Specialist (SMS) of the petitioner is issued by the Senior Scientist and Head of Krishi Vigyan Kendra on 09.03.2018 and not by the Director, Animal Husbandry, Government of Bihar, Patna.

7. As such, I find no substance in the submission



of the learned counsel for the petitioner. This writ application stands dismissed.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.12.2019.
Transmission Date	NA

