

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1068 of 2018

In

Civil Writ Jurisdiction Case No.1206 of 2018

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Rohit Raman, Son of Shri Sadanand Singh, resident of Village Musepur, PO
Naraon, PS Doriganj, District Saran at Chapra.

... .. Appellant/s

Versus

1. The Jay Prakash University, Chapra Through Its Registrar, Jai Prakash University, Chapra, District Saran at Chapra
2. The Controller of Examination, J.P. University, District Saran at Chapra.
3. The Principal, Dr. P.N. Singh Degree College, Chapra, District Saran at Chapra.
4. The Samastipur Civil Court through its Registrar, Civil Court, District Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s :	Mr. Ravi Ranjan, Advocate
For the Respondent/s H.C. :	Mr. Bindhyachal Singh, Adv.
	Mrs. Smriti Singh, Adv.
For the respondent University :	Mr. Anjani Kumar, Sr. Adv.
	Mr. Nagendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-07-2019

Heard learned counsel for the appellant and the
learned counsel for the High Court.

This appeal takes exception to the impugned
judgement dated 4th of May, 2018 whereby the learned Single
Judge has declined to grant any relief in relation to the extension
of time sought by the appellant for joining on the post of



Deposition Writer-cum-Typist-cum-Clerk in the Judgeship of Samastipur.

The facts lie in a very short compass. The appellant competed in the selections and was offered an appointment on the said post vide letter dated 23rd November, 2017. The last line of the instructions categorically recites that the appellant has to bring the certificates in original at the time of joining on the post which includes the certificates pertaining to the educational qualifications. The direction given in the appointment letter is to join within one month.

The appellant, obviously, according to his own case, was not in possession of the 2nd and 3rd year mark sheets of his Graduation which he states was in the subject of History Hon's from Jay Prakash University. He had also prayed for extension of time, but the convener of the Co-ordination Committee vide communication dated 22nd December, 2017 called upon the candidates to furnish their documents in original as desired, by extending the date up till 16th of January, 2018. The said document is annexed as Annexure-R-4/B to the rejoinder affidavit filed before the Writ Court.

Unfortunately, the appellant could not obtain the copies of the mark sheets which he states to have been washed



away in floods for which he had moved an application before the University. The University had conducted its exercise, but the mark sheets could not be made available to the appellant by the extended date.

Accordingly, the appellant lost his opportunity to accept the said offer by joining on the post as he could not complete the aforesaid formalities. The appellant then pursued his request before the University and according to the last affidavit filed before the Writ Court, the Jay Prakash University ultimately issued the mark sheets to the appellant on the basis whereof further extension was sought by the appellant with a request to allow him to join the post in question. Having failed to get his request accepted, the writ petition giving rise to the present appeal was filed where it was contended that there was no default on the part of the appellant. As a matter of fact, it was the University which had failed to provide the mark sheets timely and, hence, the delay, if any, deserves to be condoned and he should be allowed to join.

From the facts on record, it appears that the results of the examination which the appellant had passed had been announced in the year 2006. It appears further that the appellant is already in service in the Border Security Force and, according



to the learned counsel, he could not pursue the matter of obtaining the duplicate mark sheets which had been washed away in floods.

We have been unable to find any evidence as to in which floods were the mark sheets washed away, but even assuming for the sake of arguments that the said averments may be correct, yet we do not find any effort to have been made by the appellant to collect his mark sheets in a gap of almost 11 years after the examinations in 2006. It is only after he was selected in the present examinations that he made his search for the mark sheets before the University. Consequently, in our opinion, it cannot be said that the University was to blame for any such delay in providing the mark sheets when the appellant himself had approached the University after 11 years for such issuance of mark sheet.

Apart from this, the extension of time was granted once whereafter there is no evidence that any other candidate has been given the benefit of further extension. The appellant, therefore did have ample opportunity. He does not have any vested right to claim any further extension which cannot be for an indefinite period.

For all the reasons aforesaid, we do not find any



reason to interfere with the impugned judgement of the learned
Single Judge.

The appeal fails and is hereby dismissed.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/-

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