

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2018 of 2011

In

Civil Writ Jurisdiction Case No.12019 of 2009

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1. Suneeta Paswan, Wife of Kumar Sanjeev Resident Of Village - Akha, P.O. - S.S. Barari, District - Begusarai, presently posted as Subject Matter Specialist In Home Science Under Faculty Of Home Science, Krishi Vigyan Kendra, Agwanpur, P.O. and P.S. - Agwanpur, District - Saharsa
 2. Sangita Kumari, Daughter Of Shiv Charan Prasad Resident Of Village - Kaler, District - Arwal, Presently Posted As Subject Matter Specialist In Home Science Under Faculty Of Home Science , Krishi Vigyan Kendra, Seed Multiflication Form, Lakhisarai, P.S. - Lakhisarai, District - Lakhisarai
 3. Dr. (Mrs.) Karuna Kumari Daughter Of Dr. Sahjanand Ray Resident Of Village - Sahuri, P.S. - Saidpur, District - Samastipur Presently Posted As Subject Matter Specialist In Home Science Under Faculty Of Home Science, Krishi Vigyan Kendra, Sirish Agriculture Farm, P.O. and P.S. - Sirish, District - Aurangabad

... .. Appellant/s

Versus

1. Smita Kumari Daughter Of Balmiki Singh Resident Of Village - Maranchi, P.S. - Maranchi, District - Patna
2. Rajendra Agricultural University Pusa, Distt.- Samastipur Through Its Registrar
3. The Vice Chancellor, Rajendra Agricultural University, Pusa, Distt-Samastipur
4. The Office-In-Charge Recruitment, R. A. University Pusa, Distt.- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Kinkar Kumar, Advocate.
For the Respondent/s	:	Mr. D.K.Sinha, Sr. Advocate.
		Mr. Chandra Mohan Singh, Advocate.
		Mr. Shailendra Kumar Singh, Advocate.
		Mr. Sriram Krishna, Advocate.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-11-2020

Vide Advertisement dated 4.4.2008 the Rajendra

Agricultural University, Bihar invited applications for selection



and appointment at the Krishi Vigyan Kendra under Rajendra Agricultural University, PUSA, Samastipur as Subject Matter Specialist in various subjects, including Home Science.

Several candidates, including the present appellants, namely, (i) Suneeta Paswan, wife of Kumar Sanjeev; (ii) Sangita Kumari, daughter of Shiv Charan Prasad and (iii) Dr. (Mrs.) Karuna Kumari, daughter of Dr. Sahjanand Ray, applied for the said posts.

Such of those candidates who are found eligible and suitable were selected on merit and letters of appointment issued in their favour. In the case of present appellants, named above, separate letters of appointment dated 6.6.2009 were issued.

It appears that other candidates were also selected and appointments of all the candidates, 10 in number, were challenged by different petitioners before this Court by way of separate writ petitions, namely, (i) CWJC No. 12019 of 2009, titled as Smita Kumari vs. Rajendra Agricultural University & others; (ii) CWJC No. 12572 of 2009, titled as Mahnaz Fatma and another vs. Rajendra Agricultural University & others and (iii) CWJC No. 3622 of 2011, titled as Sweta Prasad vs. Rajendra Agricultural University & others.



While disposing of bunch of these petitions, vide common judgment dated 5.9.2011, learned Single Judge, in interpreting the criteria prescribed for qualification and the action of the employers not to be in terms of the eligibility criteria, set aside the entire selection process, further directing the University to fill up the posts, by initiating the process afresh, in accordance with law.

Significantly, while passing the impugned order, learned Single Judge categorically held the present appellants, named above, who were respondent Nos. 4, 5 and 6 in the writ petition, to be fulfilling all the requisite qualifications and the eligibility criteria.

It is also seen that the learned Single Judge, while issuing direction to the University to initiate fresh selection process, protected the present appellants by issuing direction that their cases shall also be considered in undertaking such selection process. Though not decipherable, but perhaps what weighed with the learned Single Judge in granting such protection was the criteria prescribed for upper age limit and as such ensuring such candidates to be not ousted solely on such a count.

Be that as it may, we find the learned Single



Judge to have seriously erred in quashing the selection process and the appointments of the present appellants. If at all any one of the candidates were found to be ineligible then only selection of those which had become vulnerable, not fulfilling the eligibility criteria, could have been quashed, but not that of the others.

It is brought to our notice that the present appellants, pursuant to issuance of appointment letter(s), have joined and successfully discharged their duties and obligations to the satisfaction of the employer, who, in fact, has also come out in support of the appellants by way of separate appeals.

It is also brought to our notice that appellants herein were most meritorious and placed at the highest level of seniority and it is for this reason that even though except appellant No.3, namely, Dr.(Mrs.) Karuna Kumari, they had applied under the reserved category but were offered appointment in the general category. Perhaps the University was keen to induct them into this category, which otherwise was not prohibited, accounting for their good academic record and experience. Also none of the candidates had any problem with the same. By changing the category none of the writ petitioners were ousted from consideration.



Even before us it is not disputed that the present appellants fulfil the entire eligibility criteria prescribed in the statutes or as stipulated in the Advertisement, and for the aforesaid reason, we allow the present appeal and quash and set aside the impugned judgment dated 5.9.2011 passed in CWJC No. 12019 of 2009, titled as Smita Kumari vs. Rajendra Agricultural University and others in so far as it relates to the present appellants.

No order as to costs.

Interlocutory application, if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

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