

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21458 of 2019

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Ajay Kumar, aged about 45 years, male, S/O Dharmendra Kumar, Resident of Mohalla- Near Arya Samaj Mandir, Post and P.S. - Rajgir District- Nalanda (Bihar), Presently R/O Chibily, Post- Nisarpura, P.S.- Beur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Transport Department Government of Bihar, Patna.
2. The State of Bihar through the Chairman, Bihar Staff Selection Commission, Veterinary Collage, Patna- 14.
3. The Secretary, Bihar Staff Selection Commission, Veterinary Collage, Patna- 14.
4. The Examination Controller, Bihar Staff Selection Commission, Veterinary Collage, Patna - 14.

... .. Respondents

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Appearance:

For the Petitioner	:	Mr.Subodh Kumar, Advocate
For the Resp.Nos. 2, 3 &4	:	Mr. Alok, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 05-06-2020

This matter has been taken up for hearing through video conference.

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition --

“i) For quashing of the order dated 23.08.2013 vide letter no. 2097/aa issued by the Secretary, Staff Selection Commission, Veterinary College, Patna.
ii) To pass such other order/orders under the facts and circumstances of the case.”

3. Learned counsel for the petitioner states that pursuant to an advertisement for 59 posts of Motor Vehicle



Inspector vide Employment Notice No. 2607 issued on 01.08.2007 by the Bihar Staff Selection Commission (hereinafter referred to as 'the Commission'), the petitioner filed his application and submitted all relevant documents. Out of the 183 applications made, only 9 applications were found in order, while the remaining 174 applications including the petitioner's application were rejected. A series of litigation followed, including the petitioner's CWJC No. 400 of 2013 wherein, *inter alia*, the petitioner was directed by order dated 10.01.2013 to appear before the Secretary of the Commission on 28.01.2013 along with all his proof. It is stated however that the petitioner could not appear before the Commission on the stipulated date owing to typhoid at the relevant time. The petitioner's application was finally accepted by the Commission on 05.08.2013. It appears that the petitioner's case was duly considered by a reasoned order dated 23.08.2013, of which he claims to have learnt only from the show cause filed on behalf of the Commission in MJC No. 2901 of 2015 as referred to in the order dated 27.06.2018 (Annexure-11). It is the case of the petitioner that the impugned order has been passed without taking into consideration that the petitioner had filed all his documents including the driving licence dated 19.09.2007. The petitioner thus filed a representation dated 06.09.2019 before the



Secretary, Bihar Staff Selection Commission, (Respondent No. 3), for redressal of his grievances, which remains pending.

4. Learned counsel for the respondent nos. 2, 3 and 4 appears and has been heard. It is pointed out from the impugned order that the cut-off date for submission of all documents in terms of the advertisement was 21.09.2007 whereas the driving license furnished by the petitioner was dated 07.05.2008 which fell after the cut-off date.

5. In reply, the petitioner submits that the driving license dated 07.05.2008 was the renewal of the old driving licence dated 19.09.2007, the latter having already been submitted with the original application. It has been stated in para-16 of the writ petition that the office staff accepted only the renewal license dated 07.05.2008 along with the application on 05.08.2013 but not the old license dated 19.09.2007.

6. Having regard to the nature of the grievance of the petitioner, this Court is of the view that the ends of justice will be met by directing the Secretary, Bihar Staff Selection Commission (Respondent No. 3) to consider and dispose of the petitioner's representation dated 06.09.2019 (Annexure-13), if pending, on its own merits in accordance with law and after grant of an opportunity of hearing to the petitioner, expeditiously and in any event preferably within a period of



four weeks from today. Such consideration shall be restricted to verification of the petitioner's claim of having submitted the old driving license dated 19.09.2007 within the cut-off date, namely 21.09.2007 for filing the application in terms of the advertisement.

7. It is made clear that in view of the ongoing lockdown and Covid-19 pandemic, any correspondence between the parties may be made through email and that the concerned authority shall be at liberty to hear the petitioner through video conference. To enable the same, the petitioner shall furnish his mobile number and e-mail ID to learned counsel appearing on behalf of the Commission, not later than by Tuesday, i.e. 09.06.2020, for its onward transmission to the concerned authority.

8. The writ petition stands disposed of with the aforesaid observations and directions.

Chandran/-

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	06.06.2020
Transmission Date	-

