

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 24416 of 2019

Govinda Kumar S/o Mr. Jawahar Lal Singh Resident of Vill.- Isarpura, P.O.-
Natwar, P.s.- Bikramganj, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, General Administration Department, Govt. of Bihar, Patna
2. The Secretary Energy Department, Govt. of Bihar, Patna
3. The General Manager Human Resources (Administration), Bihar State Power Holding Company Limited, Bihar, Vidyut Bhawan, Beily Road, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anand Prakash Prabhakar
For the Respondent/s	:	Mr. Sheo Shankar Prasad (Sc8)
For the C o m p a n y	:	Ms Soni Shrivastava, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 31-01-2020

Heard learned counsel for the petitioner as well as the learned counsel representing the Bihar State Power Holding Company. Learned counsel for the State is also present in Court.

2 The petitioner was an applicant in the process of selection for contractual appointment of Junior Engineer (Civil). The Advertisement was published by Respondent No 3 on line. Copy of the same has been enclosed as Annexure 5. Learned counsel for the petitioner has made submission, assailing the rejection of petitioner's candidature by assigning a reason "Disqualify, Diploma through Distance Mode". The submission



that is advanced based on averments paragraphs 11 and 12 of the writ petition is that the same Degree is considered as valid in similar circumstances by those who have acquired Diploma in Automobile from the Institute of Advanced Studies in Education, Deemed University, Rajasthan in other Departments. It is also his submission that the Institution in question from which the petitioner has obtained the Degree through Distance Mode has been granted the status of Deemed University under Section 3 of the University Grants Commission Act by the Government of India and had recognition of the Human Resource Department as well.

3 Learned counsel for the respondent-Company draws attention of the Court towards the qualification and eligibility prescribed in the Advertisement pursuant to which the petitioner has applied. Petitioner is, thus, bound by the terms and conditions specified in the said Advertisement. The petitioner did not fulfill/qualify the requirement in terms of Clause 1.0 of Qualification & Eligibility of the said Advertisement reads as follows:

“Full time 3 years Diploma in Civil from a recognized Institute/College duly recognized by State Government/Central Government approved by AICTE.”



4 The requirement is clear from the Advertisement. It is the submission of the learned counsel for the respondent-Company that the issue is whether a Degree under a Distance Mode can be accepted while considering the candidature of the petitioner having regard to the fact that the specific requirement in terms of the Advertisement is of a full time three years Diploma in Civil from a recognized Institute/College, duly recognized by the State/Central Government approved by AICTE.

5 In view of the submission of rival parties and after going through the Advertisement, this Court is of the opinion that there was a clear cut stipulation that candidates were required to possess a full time three years Diploma. The petitioner has a Degree, by way of Distance Mode, which, by no stretch of imagination, can be considered at par with a full time Degree/Diploma and be allowed having regard to the clear stipulation in the Advertisement. The petitioner has applied pursuant to the aforesaid terms and conditions with open eyes. He never assailed the requirement prior to the selection. It is only thereafter, when he has been declared unsuccessful that now he has challenged his rejection of candidature. The rejection is perfectly in order. The requirements, as per the Advertisement, cannot be diluted. The Authorities are bound to strictly adhere to the same.



The Degree by Distance Mode, therefore, cannot be permitted to be accepted in the said selection process.

6 No enforceable claim is made out. Writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.02.2020
Transmission Date	NA

