

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.415 of 2021
In
Civil Writ Jurisdiction Case No.4365 of 2017

Abhishek Kumar Singh Son of Sri Uma Shankar Singh resident of Mohalla-Arfabad Colony, Nala Ke Paar, Bajrangpuri, West beside Kunj Apartment, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Bihar General Administration, Old Secretariat, Patna.
3. The Bihar Staff Selection Commission through its Secretary, Veterinary College Campus, Patna- 14.
4. The Chairman, Bihar Staff Selection Commission, Veterinary College Campus, Patna- 14.
5. The Secretary, Bihar Staff Selection Commission, Patna.
6. The Principal Secretary, Agriculture Department, Bihar, Patna.
7. The Agriculture Production Commission, Bihar, Patna.
8. The Director (Agriculture), Agriculture Department, Government of Bihar, Patna.
9. The Vice Chancellor, Kerala Agricultural University, P.O.- Thrissur, Kerala, Pin- 680656.
10. The Registrar, Kerala Agricultural University, P.O.- Thrissur, Kerala, Pin- 680656.
11. Sl. No. 668 Roll No. 21500668, Percentage of Marks Obtained 49.987, through the Secretary, Bihar Staff Selection Commission, Veterinary College, Patna- 14.
12. Sl. No. 1037 Roll No. 21501037, Percentage of Marks Obtained 49.35, through the Secretary, Bihar Staff Selection Commission, Veterinary College, Patna- 14.
13. Sl. No. 1150 Roll No. 21511150, Percentage of Marks Obtained 52.08, through the Secretary, Bihar Staff Selection Commission, Veterinary College, Patna- 14.
14. Sl. No. 2310 Roll No. 21502310, Percentage of Marks Obtained 47.79, through the Secretary, Bihar Staff Selection Commission, Veterinary College, Patna- 14.
15. Sl. No. 3065 Roll No. 21503065, Percentage of Marks Obtained 50.89, through the Secretary, Bihar Staff Selection Commission, Veterinary College, Patna- 14.
16. Sl. No. 5778 Roll No. 21505778, Percentage of Marks Obtained 48.094, through the Secretary, Bihar Staff Selection Commission, Veterinary College, Patna- 14.
17. Sl. No. 8046 Roll No. 21508046, Percentage of Marks Obtained 48.9662, through the Secretary, Bihar Staff Selection Commission, Veterinary College, Patna- 14.
18. Sl. No. 8092 Roll No. 21508092, Percentage of Marks Obtained 50.69,



through the Secretary, Bihar Staff Selection Commission, Veterinary College, Patna- 14.

19. Sl. No. 8206 Roll No. 21508206, Percentage of Marks Obtained 52.29, through the Secretary, Bihar Staff Selection Commission, Veterinary College, Patna- 14.
20. Sl. No. 8396 Roll No. 21508396, Percentage of Marks Obtained 47.79, through the Secretary, Bihar Staff Selection Commission, Veterinary College, Patna- 14.
21. Sl. No. 11166 Roll No. 21511166, Percentage of Marks Obtained 48.96111, through the Secretary, Bihar Staff Selection Commission, Veterinary College, Patna- 14.
22. Sl. No. 13706 Roll No. 21513706, Percentage of Marks Obtained 52.269, through the Secretary, Bihar Staff Selection Commission, Veterinary College, Patna- 14.
23. Sl. No. 13813 Roll No. 21513813, Percentage of Marks Obtained 61, through the Secretary, Bihar Staff Selection Commission, Veterinary College, Patna- 14.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Madhusudan Kumar, Advocate
For the Respondent/s : Mr.Prabhat Kumar Verma (AAG-3)

CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
CAV JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)
Date : 08-12-2021

The present appeal is directed against the order dated 21.06.2021 passed by the learned Single Judge in CWJC No. 4365 of 2017, whereby and whereunder the writ petition has been dismissed.

The only issue involved in the present case is as to whether the appellant was possessing the essential qualification as on the last date fixed for submission of application for appointment to the post of Agricultural Coordinator pursuant to



an advertisement issued by the Staff Selection Commission.

Admittedly the last date of submission of application was fixed as 29.05.2015 in the advertisement in question, however, the same was extended subsequently to 08.06.2015. The advertisement provided that an aspiring candidate must possess the qualification as prescribed thereunder as on the last date of submission of the application form.

The appellant claims to be a student of the Kerala Agricultural University and it has been submitted by the learned counsel for the appellant that the degree of B.Sc. (Honours)Ag. issued by the Kerala Agricultural University annexed as Annexure-P/16 to the present appeal would show that the petitioner had successfully completed the prescribed programme in the month of June, 2015 whereas the last date for possessing the essential qualification has admittedly been fixed as 08.06.2015, hence the petitioner was definitely holding the qualification as on the last date of submission of the application, thus his candidature has been wrongly cancelled by the respondent-Commission.

Per contra, the learned counsel for the respondent-Commission has referred to the very own document submitted by the appellant herein i.e. Annexure-P/12 to the writ records



which shows that the date of notification of the final result is 06.07.2015 i.e. after the cut off date i.e. 08.06.2015. It is also submitted that the online objection by the petitioner was also duly considered by the Bihar Public Service Commission and it was found that the appellant had submitted self attested copy of the certificate of B.Sc. (Honours)Ag., during the course of counseling which had been issued by the Kerala Agricultural University only on 03.12.2015 and from perusal thereof it appears that the marks sheet was issued on 06.07.2015. Thus, it has been submitted that in view of clause-3a of the advertisement in question, wherein it has categorically been specified that the candidate should have the qualification of graduation from a recognized university in Agricultural Science, Veterinary Science, Fisheries, Agricultural Engineering, Horticulture, Forestry and Diary Technology before filing of the online application, the appellant has rightly been found to be ineligible by the respondent-Commission since he was not possessing the requisite qualification before the cut-off date.

We had put a query to the learned counsel for the appellant to show any document from which it would transpire that the result of the appellant had been published prior to 08.06.2015, however, the learned counsel for the appellant has



failed to do so and has referred to a document issued by the Kerala Agricultural University wherein the date of final result notification has been stated to be 06.07.2015, which is subsequent to even the extended last date of submission of the application form, hence the petitioner was admittedly not possessing the qualification as prescribed in the advertisement prior to the cut off date. Thus, we find that the candidature of the appellant-herein has been rightly rejected by the respondent-Commission.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case and for the reasons stated herein above, we do not find any infirmity in the impugned order dated 21.06.2021 passed in CWJC No. 4365 of 2017.

Accordingly, the present appeal stands dismissed.

(Rajan Gupta, J)

Mohit Kumar Shah, J:- I agree.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	
CAV DATE	30.11.2021
Uploading Date	08.12.2021
Transmission Date	

