

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7728 of 2015

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Veena Kumari D/o Ambika Prasad. Resident of Mohalla - Chandpur Bela,
Azad Lane, Near Shiv Mandir, Doopulwa, P.S.- Jakkanpur, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
2. Bihar Agricultural University, Sabour, District - Bhagalpur, Bihar - 813210 through its Registrar.
3. The Vice-Chancellor, Bihar Agricultural University, Sabour, District - Bhagalpur, Bihar - 813210.
4. The Director Administration, Bihar Agricultural University, Sabour, Bhagalpur, Bihar - 813210.
5. The Director, Extension Education, Bihar Agricultural University, Sabour, District - Bhagalpur, Bihar
6. The Associate DEAN-cum-Principal, Bhola Paswan Shastri Agriculture College, Purnea, Kasba Road, Purnea
7. The Officer In Charge-cum-Programme Co-ordinator, Krishi Vigyan Kendra, Jalalgarh, Purnea, Bihar
8. The Rajendra Agricultural University, Bihar PUSA, District - Samastipur - 848125 through its Registrar.
9. The Vice-Chancellor, Rajendra Agricultural University, Bihar, PUSA, District - Samastipur-848125.
10. The Officer-in-Charge, Recruitment, Rajendra Agricultural University, Bihar, PUSA, District - Samastipur
11. The Director Administration, Rajendra Agricultural University, Bihar, PUSA, District – Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Pramod Mishra, Advocate
	:	Mr.Suraj Kumar, Advocate
For the Respondent/s	:	Mr.Avinash Kumar, Advocate
For University	:	Mr.Chandra Mohan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-12-2022 The present writ petition has been filed seeking the following relief:-

“1.That the petitioner above-named craves for



indulgence of this Hon'ble Court by way of issuance of any appropriate writ preferably in the nature of Mandamus commanding and directing the Respondents concerned to include the name of this petitioner under the 'Eligible candidates for Interview' list published against the Advertisement No. 02/2014 for the Post of Assistant Professor-cum- Junior Scientist under the services of Respondent Rajendra Agriculture University, Pusa, Bihar (R.A.U. Pusa only hereinafter), allowing her candidature and to appear in such interview, as the poor lady petitioner from E.B.C. category has applied for the post of Assistant Professor-cum- Junior Scientist (Child Development) and Assistant Professor-cum-Junior Scientist (Clothing & Textile) against an advertisement published on web-site as also in daily newspaper 'Hindustan' dated 27.02.2014 from the level of Respondent R.A.U., Pusa in accordance with law and strictly following the terms and conditions of the Advertisement No. 02/2014 dated 24.02.2014 by submitting the same through proper channel forwarding the advance copy through registered post as well as E-mail, as the petitioner has been working as subject matter specialist (Home Science) at Krishi Vigyan Kendra (K.V.K.), Jalalgarh, District-Purnea, but when the select list for interview has been published on web-site the petitioner found her name under 'Not



Eligible' list showing the reason as 'Application not proper channel' and, 'only advance copy of application' and for any delay on the part of employer in forwarding the application form cannot be a legal and valid ground for keeping the petitioner out of recruitment process, more so when she has even been removed from her earlier employment."

The learned counsel for the respondents has referred to the counter affidavit, filed in the present case to submit that the petitioner had applied for appointment on the post of Subject Master Specialist in terms of Advertisement No. 03/2008/RAU dated 04.04.2008, whereafter, she had been appointed on the said post in the Home Science subject at K.V.K., Jalalgarh (Purnea). It is also submitted that now when the recruitment process is over and the appointments have already been made, the petitioner cannot challenge the selection process and the terms and conditions of the agreement in question, especially after having participated in the said selection process. In fact, the State Government has also relaxed the criteria of clearing NET from three years to five years and out of 98 persons who have been engaged as Subject Master Specialist in various Krishi Vigyan Kendra of Bihar Agricultural University, 60



persons have cleared NET, 10 of such Subject Master Specialist are having Ph.D Degree and 14 Subject Mater Specialist are without NET but are having two years' experience, which satisfies the essential qualification prescribed in the advertisement.

It is further submitted that the petitioner was well aware about the eligibility criteria, as mentioned in the Advertisement and further had also executed an 'Agreement Bond' wherein she had undertaken to clear NET within three years of her appointment, failing which her services would be terminated without any notice. Subsequently, the said period of three years was relaxed by the Government to five years. Nonetheless, the petitioner failed to clear NET within the prescribed time period, hence her services were terminated after issuing notice to her. The said stand, taken by the authorities of the Bihar Agricultural University, stands un-rebutted. It is also submitted that similarly situated persons, whose services were terminated on account of their failure to clear NET, had approached this Hon'ble Court by filing writ petitions, challenging their termination order, but the same have stood dismissed.

As far as the prayer of the petitioner is concerned, i.e.



to follow the terms and conditions of Advertisement No. 02 of 2014 dated 24.02.2014 and allow the petitioner to appear in the interview, the learned counsel appearing for the Rajendra Agricultural University, Bihar, PUSA, Samastipur has submitted that the selection process is over long back, hence now it is too late to grant any such relief to the petitioner, more so, since the aforesaid Advertisement No. 02 of 2014 dated 24.02.2014 has culminated into finality, with appointments having already been made in pursuance thereof.

The learned counsel appearing for the petitioner also does not wish to press the present writ petition, since, with the efflux of time, the prayer made by the petitioner in the present writ petition has been rendered redundant.

Accordingly, the present writ petition stands disposed off having been rendered infructuous on account of efflux of time.

(Mohit Kumar Shah, J)

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