

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7161 of 2015**

Dr. Anamika D/o Dr. C.D. Choudhary, wife of Shailesh Kumar resident of Bank Colony, Near Hatia, Tulkamanjhi, Bhagalpur, Bihar, presently working as Senior Lecturer Fiji National University, Koronivia, Sava, Fiji Islands.

... .. Petitioner

Versus

1. The Bihar Agriculture University through its Registrar, having its office at Sabour, Bhagalpur.
2. The Vice Chancellor, Bihar Agricultural University, Sabour, Bhagalpur.
3. The Registrar, Bihar Agricultural University Sabour Bhagalpur.
4. The Officer-in-charge, Recruitment, Bihar Agricultural University, Bhagalpur.
5. Dr. Sanjeev Kumar son of not known to the petitioner presently posted as Lecturer in Faculty of Plant Pathology, P.G. Department Bihar Agriculture University, BAU, Sabour and deputed at Pulse Research Centre, Mokama.
6. Smt. Anupam Kumari Father's name is not known to the petitioner presently posted as Lecturer in P.G. Department under faculty of Plant Pathology, BAU, Sabour and deputed at Bhola Paswan Sastri Agricultural College, Purnea.
7. Dr. Sri Nivasaraghavan son of Narayan KRA presently posted as Deptt. of Plant Pathology P.G. Department, BAU, Sabour.
8. Dr. Erayya son of Siddayya Ladi presently posted as Lecturer in P.G. Department of Plant Pathology, B.A.U. Sabour.

... .. Respondents

**Appearance :**

|                           |   |                                                           |
|---------------------------|---|-----------------------------------------------------------|
| For the Petitioner        | : | Mr. Rajana Kumar, with<br>Mr. Mrityunjay Kumar, Advocates |
| For the Resp. Nos. 1 to 4 | : | Mr. Sriram Krishna, with Mr. Amarjeet,<br>Advocates       |

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL JUDGMENT**

**Date : 12-12-2022**

Heard learned counsel for the petitioner and learned counsel for the Bihar Agriculture University (for short 'the University').

2. The writ petition has been filed by the petitioner



seeking a prayer in the nature of 'Public Interest Litigation' to produce relevant records relating to appointment process.

3. The petitioner is aggrieved by her non-selection in the process for appointments to post of Assistant Professor-cum-Junior Scientist in the discipline of Plants Pathology ( for short 'PP') in the University under Advertisement No. 06 of 2013, dated 04-09-2013.

4. The Court made specific query from learned counsel for the petitioner as to how the petitioner is aggrieved and whether her non- selection can be made the basis of embarking on an enquiry into the entire selection process?

5. The learned counsel has responded by asserting that the procedural lapse and infirmities is glaring as respondent No.6 was not having the essential qualification of National Eligibility Test (for short 'NET') still she has been selected. The fact that NET is an Essential qualification is not in dispute. The fact that the Respondent No.6 did not have NET prior to the cut-off date for making application, however, is disputed as per the records. The petitioner's assertion is supported by information downloaded from a website and not from the website of the Board which conducted the NET Agricultural Scientist Recruitment Board ( for short 'ASRB') Examination 2014.



6. The learned counsel for the University, on the other hand, has referred to the application form of Respondent No.6 (Annexure-D to the counter affidavit). It is apparent from perusal of the same, that application was filed on 02.06.2014, wherein, Respondent No.6 has declared the marks obtained by her in the ASRB conducted NET examination in the subject plant pathology; marks was claimed is 54%. It is specific submission of the learned counsel for the University that since respondent no.6 was possessing the essential qualification (NET), the submission of the petitioner is nothing, but a desperate attempt to somehow obtain some relief by way of appointment in the process of selection. This Court is in agreement with the submissions advanced by the learned counsel for the University. The application form of respondent No.6 contains a clear disclosure of possessing the essential qualification and same is dated 02.06.2014. This Court is not inclined to embark on any enquiry into this issue based on a print out obtained from some website. The petitioner has not produced ASRB NET result 2014 from the Board's website so as to buttress her submission with respect to the candidature of Respondent No.6. The Respondent No.6 has not been put on notice and this Court, in view of the above observations,



this court does not consider it necessary to issue notice to Respondent No.6. The Court is satisfied that no case is made out by the petitioner assailing the candidature of Respondent No.6. The second submission is regarding a vacancy remaining available due to non-joining of one candidate, namely, Chandra Mani Raj in the unreserved category. The petitioner, however, has not been able to make out any right to such post due to non-joining. It is not even her case that she is the first empanelled candidate under any wait list or that such vacancy is to be offered to the next person. No case has been made out.

7. Writ petition is devoid of merit and is dismissed.

**(Madhuresh Prasad, J)**

shyambihari/-

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