

N THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.262 of 2018

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Santosh Kumar Pandey S/o Sri Vishwanath Pandey, R/o Village- Bankat Mushahari, P.O.- Ratanmala Mathiya, P.S- Majhwalia, District- West Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Agriculture Department, Govt. of Bihar, Patna.
2. The Bihar Staff Selection Commission, Patna, Post Veterinary College, Patna- 14.
3. The Chairman, Bihar Staff Selection Commission, Patna, Post Veterinary College, Patna- 14.
4. The Secretary, Bihar Staff Selection Commission, Patna, Post Veterinary College, Patna- 14.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Vishwajeet Kumar Mishra with Advocate
For the State	:	Mr. Jay Prakash Sharma AC to GP-21
For the SSC	:	Mr. S.S. Sundaram, Adv.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 28-07-2022

Heard learned counsel for the petitioner and learned counsel for the State.

2. For making appointment as Agriculture Coordinator, an Advertisement was issued by the Respondent Bihar Staff Selection Commission (for brevity 'Commission') in the year 2015. Clause 7 of the Advertisement dated 29-04-2015 (Annexure-1) contemplated selection based on points. 70 points out of 100 was awarded based on the Educational Qualification and 30 based on experience of working in the Agricultural Department prior to



issuance of the Advertisement. It is the petitioner's grievance that he has worked as *Kishan Salahkar* and certificates in respect of his work has been issued by the District Agriculture Officer West Champaran (Annexure-4). The petitioner's experience has been ignored for the purposes of weightage (points) in the process of selection. He submits that Clause 7 of the Advertisement does not specify that the experience is with reference to any specific work or post. Since the Advertisement does not provide any exclusion, his work as *Kishan Salahkar* duly certified by the District Authorities, could not have been ignored.

3. Learned counsel for the Commission submits that this issue was considered regarding the ambiguity in the Advertisement in proceedings arising out of CWJC No. 13658 of 2016 and this court had refused to examine the issue leaving it for the Commission to take a decision on the objection which the petitioners could have made. The petitioner has chosen not to file any objection pursuant to the opportunity granted in CWJC No. 13658 of 2016 and, therefore, today, at this belated stage, the petitioner cannot be permitted to raise the issue. Appointments pursuant to the Advertisement dated 29-04-2015 have also been completed.



4. Considering the rival submissions, this Court would find that the admitted position is that the petitioner has not objected to exclusion of his certificate pursuant to opportunity granted in CWJC No. 13658 of 2016. The other aspect of the matter which requires consideration is that the process of selection was concluded and the petitioner has approached this Court three years after the Advertisement was issued. The claim of the petitioner is not only suffering from delay, but also laches.

5. The writ petition, therefore, is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11/08/2022
Transmission Date	

