

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8838 of 2020

Gautam Kumar Sinha, aged about 43 years, Male Son of G.N. Prasad Sinha,
Resident of Village- Bakarpur, P.O.- Vishunpur Khebe Via Chak Sikandar,
District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
3. The Bihar State University Commission, 8th Floor, Bihar School Examination Board, Academic Building, Budh Marg, Bihar, Patna, through its Chairman.
4. The Secretary, Bihar State University Commission, 8th Floor, Bihar School Examination Board, Academic Building, Budh Marg, Bihar, Patna.
5. The Jay Prakash University, Chapra at Saran through its Registrar.
6. The Vice Chancellor, Jay Prakash University, Chapra at Saran.
7. The Registrar, Jay Prakash University, Chapra at Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Brisketu Sharan Pandey, Advocate
For the Respondent/s	:	Mr. Nagendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 25-02-2022

Heard the parties through video conferencing.

The petitioner admittedly did not possess the minimum qualification required under the advertisement up to the last date of filing of application i.e. 30th December, 2020, which is the date when hard copy of application form would be submitted with the Commission. The petitioner acquired Ph.ed qualification, which is essential under the advertisement in the year 2021.



Learned counsel for the petitioner submits that the delay in declaring of the result cannot be attributed to the petitioner and disqualified him, as the delay is by the University, which conducted the interviews belatedly.

This Court has considered the submissions and find that as per the Judgment passed by the Hon'ble Supreme Court in the case of Ashok Kumar Sonkar Vs. The Union of India reported in (2007) 4 SCC 54, if there is no separate date provided in the advertisement, a candidate would be required to possess the eligibility as on the last date of submission of application form under the advertisement.

The contention of the learned counsel in relation to delay in declaration of the result by the University from where the petitioner passed Ph.ed, is concerned, suffice it to state that the advertisement does not limit to the candidates, who appeared from the said University alone, the recruitment agency is to consider all the candidates, who may apply from various Universities all over the India.

Delay in declaration of result by a particular University would not mean to change the cut off date nor can the petitioner assume to have acquired eligibility in 2020, when he has passed



Ph.ed in 2021 only. Special concession cannot be given to the petitioner alone as cut off date is final for all.

The writ petition is misconceived and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Anand Kr.

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

