

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11959 of 2022

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Lalu Prasad Yadav, S/o Bindeshwar Yadav, Resident of Village- Situwahi,
P.O.- Jagarnathpur, P.S.- Biraul, District- Darbhanga, State- Bihar, Pin-
848209.

... .. Petitioner/s

Versus

1. The Bihar Staff Selection Commission through its Secretary, Govt. of Bihar, Veterinary College, Patna.
2. The Chairman, Bihar Staff Selection Commission, Government of Bihar, Veterinary College, Patna.
3. The Secretary, Bihar Staff Selection Commission, Government of Bihar, Veterinary College, Patna.
4. The State of Bihar through Additional Chief Secretary, General Administration Department, Govt. of Bihar, Patna.
5. The Principal Secretary, Education Department, Bihar.
6. The Additional Chief Secretary, General Administration Department, Govt. of Bihar, Patna.
7. The Chairman, State Board of Technical Education, Bihar.
8. The Chairman, Bihar State Education Board, Bihar.
9. The Principal, K.S. College, Laheriasarai, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Alka Verma, Advocate
For the State	:	Mr.Dhurendra Kumar, AC to GP5
For the Commission	:	Mr.Satyabir Bharti, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 20-12-2022 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the Respondent-

Commission.

2. The petitioner in the instant case has

participated in the first Inter Level Combined Competitive

Examination, 2014. His candidature has been declared



unsuccessful. The writ petition, therefore, has been filed for setting aside the letter dated 27.06.2022 by which his candidature has been held to be disqualified for not having the educational certificate prior to the cutoff date, as per the Advertisement under which the selection has been conducted. The petitioner has also sought consequential directions to declare the petitioner as qualified and consider the candidature of the petitioner for the consequential relief.

3. The petitioner participated in the process of selection under Advertisement No.06060114 and emerged successful in the preliminary test and mains examination. Counseling was held in between 15.12.2021 to 24.12.2021. In the counseling also the petitioner had participated, whereafter there is a declaration that the petitioner is disqualified in the process of selection on account of being ineligible for want of the requisite certificate prior to the cutoff date i.e. 31.10.2014.

4. Learned counsel for the petitioner submits that the petitioner had produced the Marks Statement issued by the Bihar School Examination Board, which is dated 27.05.2014 (Annexure-1/A to the writ petition), at the time of counseling.

5. The Respondents on the other hand submit that the petitioner had produced the Marksheet dated



24.08.2021, Certificate of the Board dated 24.08.2021 and the Marks Statement for Intermediate Examination dated 09.04.2021. The Certificate for the Intermediate Examination was also dated 30.11.2014.

6. All these certificates which the petitioner has submitted, as per the Respondent-Authorities, are not of a date prior to the cutoff date, but subsequent thereto. The respondents have denied that the petitioner ever produced the marks statement dated 27.05.2014 (Annexure-1/A). As per their case, the petitioner has produced the above noted four documents, all of which were issued subsequent to the cutoff date and, therefore, there is no occasion for the petitioner now to contend that the certificate, copy of which has been annexed at Annexure-1/A, was ever produced or can be made basis of considering the petitioner's candidature.

7. Having considered the rival submissions, which essentially raises an issue of disputed question of fact, the Court has examined the Check List, which was signed by the petitioner on the date of counseling. In the remarks column, the Authorities have clearly stated the date of the certificates which have been submitted by the petitioner, are subsequent to the cutoff date. The same bears the petitioner's signature, just below



the remarks made by the Respondent-Authorities.

8. In the circumstances, this Court does not find any basis to accept the submission on behalf of the petitioner that the certificate, copy of which has been annexed at Annexure-1/A, was produced. Since the certificates were produced subsequent to the cutoff date, the petitioner has no claim.

9. The writ petition is devoid of merits and the same is dismissed.

(Madhuresh Prasad, J)

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