

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 799 of 2018

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Sandeep Kumar Son of late Satendra Prasad @ Satyendra Prasad Resident of
Village- Mundipur, P.S. Augari, District- Nalanda at Bihar, Sharif.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Agriculture, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Bihar, Patna.
4. The Agriculture Production Commissioner, Department of Agriculture, Government of Bihar, Patna
5. The Director Agriculture, Department of Agriculture , Govt. of Bihar, Patna.
6. The Bihar Staff Selection Commission, Patna through its Chairman.
7. The Chairman, the Bihar Staff Selection Commission, Veterinary College Compound, P.O. - B.V. College, Patna
8. The Secretary, the Bihar Staff Selection Commission, Veterinary College Compound, P.O. B.V. College, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Nityanand Mishra, Advocate
For the Respondent/s	:	Mr Jay Prakash Sharma, AC to GP XXI
For the Commission	:	Mr Gyan Shankar, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 17-10-2022

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

***This writ petition has been filed for the
following relief (s):***

(1)

***“(i) For issuance of a writ in the
nature of certiorari to quash and setting aside***



the official order dated 20.07.2017 issued vide Memo No 1898 dated 07.08.2017 by the Bihar Staff Selection Commission, Patna (hereinafter referred to as Commission) under signature of the committee through the Secretary i e Respondent No 8, whereby and where under a speaking order has been passed in the light of order dated 30.05.2017 by this Hon'ble Court in CWJC No 13658 of 2016 (Randhir Bhardwaj & Others -Versus- The State of Bihar & Others) and analogous cases by which the candidature of the petitioner has been rejected on the ground that since the result of Bachelor in Agriculture Science (B Sc Ag) degree of the petitioner was not published till the last date of Advertisement i e on 14.06.2015, hence his candidature has been cancelled under Clause 3 (ka) of the Advertisement.

(ii) For further issuance of a writ in the nature of mandamus and directing/commanding the respondents concerned to modify the combined selection list of Agriculture Coordinator published vide Memo No 3743 dated 24.11.2017 and Memo No 3754 dated 25.11.2017 by the Secretary of Commission i e Respondent No 8, which have published in respect of order dated 30.05.2017 passed by this Hon'ble Court in CWJC No 13658 of 2016 (Randhir Bhardwaj & Others -Versus- The State of Bihar & Others) and other analogous cases and consider the candidature of the petitioner and publish the result of the petitioner also because the result of B Sc Ag degree of the petitioner was published on 04.06.2015 and last date extended on 21.06.2015 for sending online application in hard copy along with the wanting documents which is evident from Letter No 1754 dated 28.05.2015 issued by the Commission.

(iii)

(iv)



(v)”

2 The petitioner’s application in the process of selection has been rejected by the authorities. The petitioner had applied in the recruitment process for selection of Agricultural Coordinator. The rejection of his candidature is on the ground that his marks sheet is of 19.06.2015 whereas the last date for acquiring the requisite qualification of Graduate in Agriculture was 14.06.2015.

3 Petitioner’s counsel has submitted that the result was published on 04.06.2015 much before the last date fixed for application, i e, 14.06.2015. The submission is based on Annexure 1 series to the writ petition. From perusal of the same, it is apparent that it is not the marks sheet. The requirement in terms of the Advertisement was of having the result/marks sheet which, admittedly, had been issued to the petitioner on 19.06.2015 which is apparent from a copy of the same which is also part of Annexure 1 series. It is, however, submitted by the learned counsel for the petitioner, that on technical grounds, the petitioner has been prevented from participating in the process of selection.

4 The non-acquiring or acquiring of qualifications on the cut off date prescribed under the Advertisement cannot be considered by this Court to be a technicality. The requirement of having the requisite qualification is an issue of eligibility/merit,



uniformly applicable to one and all for the process of selection. The petitioner, who is not qualified on the cut off date prescribed in the Advertisement is ineligible, and cannot claim any right of candidature in the process of selection.

5 Petitioner's learned counsel has also referred to a certificate issued by the Indira Gandhi Krishi Vishwavidyalaya which has been issued much after the cut off date, i e, on 05.12.2017 to sustain his claim for being qualified on the last date. This certificate also does not help the case of the petitioner. Since the requirement of Advertisement with reference to cut off date is not fulfilled, the action of the selecting body in any way cannot be faulted.

6 This writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2022
Transmission Date	NA

