IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.635 of 2022

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Bhubneshwar Prasad Singh Son of Dipti Lal Singh Resident of Village- Nirtya Shala, Ward no- 09, P.S.- Matiyari, District- Kishanganj.

... ... Petitioner/s

Versus

1. The State of Bihar through The Chief Secretary, Government of Bihar, Bihar, Patna.
2. The Additional Chief Secretary, Agriculture Department, Government of Bihar, Bihar, Patna.
3. The Director, Bihar Agriculture Management and Extension Training Institute (BAMET), Bihar, Patna.
4. The District Magistrate, Kishanganj, District- Kishanganj.
5. The Deputy Development Commissioner, Kishanganj, District- Kishanganj.
6. The District Agriculture Officer, Kishanganj, District- Kishanganj.
7. The Project Director, ATMA, Kishanganj, District- Kishanganj.
8. The Project Director, ATMA, Madhepura, District- Madhepura.
9. The District Program Officer, Mid-day meal, Araria, District- Araria.
10. The District Education Officer, Araria, District- Araria.
11. Md. Shahnawaz S/o- Md. Arif R/o Mohalla- Nasirganj, D.S. College Road, District- Katihar, Pin- 854105

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mrigendra Kumar, Advocate
		Mr. Rajiv Ranjan, Advocate
For the State	:	Mr. Anant Pd. Singh, SC- 15

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 05-10-2023

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

2. The petitioner has participated in the process of selection of Block level Accountant. He is aggrieved by exclusion of certain experience claimed by him in the process of selection. The grievance is required to be considered, keeping in background the fact that three years experience was requisite in terms of the Advertisement (Annexure- 1). Relevant Clause of the Advertisement reads as follows:-

05	लेखापाल (प्रखंड स्तर) (राज्य योजना)	377	बी. कॉम.	बिहार सरकार/ भारत सरकार/ अर्द्ध सरकारी / राज्य अथवा केन्द्र सरकार अधीन संचालित स्वायत्तशासी संस्थान / कृषि संबंधि प्रतिष्ठित निजी संस्था के लेखापाल में न्यूनतम 03 वर्ष का कार्य अनुभव	45 वर्ष	13,310

3. Learned counsel for the petitioner submits that the petitioner’s experience in the Bihar Educational Project, Araira for the period 21-03-2012 to 17-02-2014 and experience in the Bihar State Mid-day Meal Scheme, Araira for the period 31-10-2017 till 01-02-2019 was required to be considered, and if the same are added then the petitioner crosses the requisite three years experience in terms of the Advertisement, as extracted above.

4. Learned counsel for the State submits that the process of selection is based on the Advertisement, which is explicit insofar as the requirement of experience is concerned. The Advertisement mentions requisite experience on the post of Accountant. It is this experience which is acknowledged by the Advertisement and none else. The petitioner, therefore, can only be allowed to place reliance on the certificate issued by the Bihar Education Project, dated 10-08-2017, as it certifies the petitioner to be working as Accountant. The other certificate issued by the Bihar State Mid day Meal scheme shows the petitioner working as 'Sadhan Sevi-sah-Lekhapal'. It is not an experience of the petitioner for the period spent in that organization working as Accountant. It, therefore, cannot be treated at par with those who submit experience for the entire period of three years as Accountant, which is also the requirement as per Rule extracted above. The petitioner, therefore, has rightly not been considered.

5. On consideration of rival submissions, this Court finds force in the submissions advanced by the learned counsel for the State. The requirement as per Advertisement was experience of working as Accountant. The Authority, therefore, would be bound by the requisite experience as per the Advertisement, which cannot be enlarged or relaxed so as to include persons like the petitioner for allowing them to claim experience of working not purely as an Accountant but as 'Sadhan Sevi-sah-Lekhapal'. This period between 31-10-2017 to 01-02-2019 cannot be considered as per the certificate to be experience of actual working as Accountant. The requisite experience, therefore, cannot be said to be fulfilled on the basis of this certificate. The Court does not find any infirmity in the rejection by the Authorities of experience based on this certificate dated 01-02-2019, so as to disentitle the petitioner for consideration.

6. Writ petition is dismissed.

(Madhuresh Prasad, J)

Raj kishore/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12-10-2023
Transmission Date	N/A