

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2798 of 2021

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Chitrانjan Kumar S/o - Sri Yogendra Singh R/o - Vill- Garbhuchak P.O. -
B.V. College, P.S. - Hawaii Adda, Patna- 800014.

... .. Petitioner/s

Versus

Bihar Staff Selection Commission, Patna through its secretary, B.V College
Campus, Patna - 800014.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

Mr. Anjani Kumar, Advocate

For the Respondent/s : Mr. Jitendra Kumar Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

7 10-10-2023 1. Heard learned counsel for the petitioner and
learned counsel for the State.

2. The petitioner is aggrieved by the fact that he has
not been granted weightage for experience of having worked
in the Lok Nayak Jayprakash Narayan Hosptial (for brevity
'LNJN Hospital'), Rajbanshi Nagar, Patna from 01-04-2006
till 15-06-2016. It is his grievance that in the process of
selection of Lab Technician conducted pursuant to
Advertisement issued in January 2015 (Annexure- 11), the
persons who were having experience of working on the post
of Lab Technician were granted five points for every year of



experience subject to maximum of 25 points. The petitioner, though has worked for ten years has been denied weightage, which is unsustainable in view of the fact that his experience has been certified by the Director LNJNI Hospital on 15-06-2016 and further clarified by the Director on 01-06-2020.

3. The respondents have taken a stand that he has not completed even a year in the contractual establishment as Lab Technician in the LNJNI hospital. He thus cannot claim any weightage on the ground of experience.

4. The stand of the respondents in the counter affidavit is based on the certificates produced by the petitioner in the instant writ proceeding. From bare perusal of the certificate dated 15-06-2016, it is apparent that he was certified as having worked on honorarium basis between 01-04-2006 to 30-12-2009; and as an Auto Analyzer in between 29-03-2014 to 30-05-2015. His contractual appointment as Lab Technician is on 01.06.2015 as per certificate dated 15-06-2015 issued just few days before date of advertisement. It is not a contemporaneous certification.

5. Stand of the respondents, in the opinion of this Court appears to be valid from bare perusal of the certificate produced by the petitioner dated 15-06-2016. This certificate



which was produced by the petitioner in the process of selection, *prima facie* from a plain reading, certifies that the petitioner was appointed as Lab Technician on contractual basis only on 01-06-2015.

6. As per the advertisement, petitioner is entitled to experience only for the period he worked as Lab Technician on contractual basis. The petitioner, therefore, cannot claim any weightage for any other work, during any other periods mentioned in the certificate dated 15-06-2016. It is apparent from the certificate that the period prior thereto was without any payment and on honorarium basis and cannot be said to be an experience in the contractual establishment of the hospital.

7. The assessment criteria of the inter se experience claimed by the candidates in the process of selection has to be uniformly applied to all who participate in the process of selection. If the requirement is not fulfilled, as per the advertisement, as in the instant case, candidate/s cannot be given any weightage by the respondents. Therefore, this Court is not inclined to exercise discretionary writ jurisdiction to pass any orders on the petitioner's claim for experience of the work he has performed, other than the period of his contractual experience, i.e., from 01-06-2015.



8. Writ petition is thus dismissed.

(Madhuresh Prasad, J)

Raj kishore/-

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