

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.192 of 2019

In
Letters Patent Appeal No.1246 of 2018

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Shreenidhi Kumar Son of Shatrudaman Kumar Resident of Village and P.O.-
Parsaunikapoor, P.S.-Patahi, District-East Champaran, Presently residing-
Ward No.30 Infront of Bachpan Play School, Mohalla- Parsauni Sada, P.S.-
Motihari, East Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of
Agriculture, Government of Bihar, Patna
2. The Principal Secretary Department of Agriculture, Government of Bihar,
Patna
3. The Director Department of Agriculture, Department Government of
Agriculture, Patna.
4. The Chairman Bihar Staff Selection Commission, Patna.
5. The Secretary Bihar Staff Selection Commission, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Prince Kumar Mishra
For the Opposite Party/s :	Mr. Sarvesh Kumar Singh (AAG13)
	Mr. Aryaachint, AC to AAG-13
For the Commission :	Mr. S. S. Sundaram, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 04-07-2023

I. A. No. 1 of 2019

There is a delay of 167 days in filing this Civil Review
Petition.



2. For the reasons stated in the Interlocutory Application, the delay of 167 days in filing this Civil Review is condoned in the interest of the litigant.

3. The Interlocutory Application stands allowed.

Civil Review No. 192 of 2019

Mr. Prince Kumar Mishra is permitted to file no-objection from the Advocate on Record, Mr. Ajay Kumar Ojha be filed in the Registry during course of the day.

2. The present Review Petition is filed to review the order passed in L.P.A. No. 1246 of 2018, arising out of C.W.J.C. No. 589 of 2018.

3. The review petitioner is one of the candidate for selection and appointment to the post of Agriculture Coordinator. He is aggrieved by non-selection to the post on the sole issue that he is entitled to award of 30 marks towards experience gained by him instead of 20 marks. Initially last date was fixed for submission of application and it was extended up to 14.06.2015. In this backdrop the petitioner had submitted experience certificate on 27.05.2013 whereas the second experience certificate was furnished by him on 02.06.2017.

4. Short question for consideration is whether later experience certificate dated 02.06.2017 could be taken into



consideration for the purpose of calculation of marks towards experience gained by the petitioner or not? In this regard, learned counsel for the petitioner submitted that Commission in its 448 proceedings held on 27.07.2016 taken a decision to take note of experience as on 14.06.2015.

5. Selection Commission has no authority to extend last date of submission of application and interpret notification inviting application from the eligible candidates from the post of Agriculture Coordinator. Moreover, in terms of 448 proceedings of the Commission dated 27.07.2016, notice inviting application from the eligible candidates has not been altered like issuing a corrigendum in so far as taking note of experience certificate up to 14.06.2015 even though candidates submitted their further experience certificate beyond the last date namely 14.06.2015.

6. Time and again, Courts have held that the eligibility criteria for the purpose of any post is required to be taken note of the last date i.e., 14.06.2015 in the present case. As on 14.06.2015, the petitioner was not in possession of experience certificate during the intervening period from 27.05.2013 to 02.06.2017 or from 27.05.2013 to 14.06.2015. In other words, for the first time he has produced second experience certificate dated 02.06.2017 which is beyond the last date namely 14.06.2015 and the same cannot be



entertained by the Selection Commission so as to award more marks for experience, i.e., from 20 marks to that of 30 marks.

7. In the light of these facts and circumstances, the petitioner has not made out a case to review the order passed in L.P.A. No. 1246 of 2018, dated 30.11.2018.

8. Accordingly, this Civil Review stands dismissed.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

skm/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	07.07.2023
Transmission Date	

