

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20271 of 2021

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Rajani Kant Ranjan, S/o Sri Krishnandan Sharma, Resident of Village-Nemra
P.O.-Pandit Ganj, P.S.-Kadariganj, Dist.-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Agriculture Department, Govt. of Bihar, Patna.
4. The Agriculture Production Commissioner, A.P.C., Agriculture Department,
Govt. of Bihar, Patna.
5. The Director, Agriculture Department, Govt. of Bihar, Patna.
6. The Bihar Public Service Commission through its Chairman, Bailey Road,
Patna.
7. The Chairman, Bihar Service Commission, Bailey Road, Patna.
8. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Sarvesh Kr. Singh (AAG-13)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-06-2023

The petitioner a graduate in Horticulture (B.Sc.
Horticulture) seeks for incorporation of the said qualification



also in the Advertisement No. 86 of 2014 under notification dated 14.10.2014 which called for appointment to the post of Bihar Agriculture Service Category-I (Agro). The petitioner's contention is that Horticulture is akin to Agriculture and the State erred in so far as bringing out a notification prescribing the eligibility to the notified post to be a bachelor degree in Agriculture Science and not in Horticulture Science. Learned counsel for the petitioner while urging his contention on the aspect of delay specifically pointed out that the notification is already stayed in CWJC 5124 of 2018. The learned Government Advocate and the learned Standing Counsel for the Bihar Public Service Commission (for brevity "Commission") on the other hand challenged the maintainability of the writ petition in the year 2021 as against a notification of the year 2014. It is also pointed out that there was no stay of proceedings and the selection is almost over. It is further contended that the relief sought for in the other writ petition was substantially different.

At the outset itself, we were convinced that no challenge could be made to the notification of 2014 by a writ petition in the year 2021; that too challenging the essential qualifications. We saw the order in CWJC No. 5124 of 2018 which was produced before us. The order dated 25.02.2022 in



the said writ petition only directed that the appointments would be subject to the outcome of the writ petition and the said fact be notified to the selected candidates. Hence, the selection procedure was proceeded with and as submitted by the learned Standing Counsel for the Commission, has been concluded. The delay stares at the face of the petitioner, especially when the learned Standing Counsel for the Commission submits that the entire proceedings for selection are concluded.

Apart from this, we have seen the counter affidavit dated 08.04.2022 of the Bihar Public Service Commission in which is extracted the requisition letter of the Agriculture Department, Government of Bihar based on which the notification was issued. There are five category of posts which are sought to be filled up, namely, Bihar Agriculture Service Category I (Agronomy), Bihar Agriculture Service Category-II (Agriculture Engineering), Bihar Agricultural Service Category- III (Chemistry), Bihar Agricultural Service Category-V (Plant Protection) and Bihar Agricultural Service Category-VII (Horticulture). It is trite, that it is for the Government to decide the educational qualifications for the posts in its service. It is not as if the Horticulture graduates are completely denied of employment in the Agriculture Department. Considering the



nature of the work and the requirement in each fields, the categories have been specifically demarcated and their educational qualifications determined. There are posts in which an Agriculture graduate could apply and others where Agriculture Engineering graduate is eligible and also where a graduate degree in Horticulture Science or a Bachelor in Agriculture with elective as horticulture is enabled appointment. A brief perusal of the notification challenged also indicates that the notification has invited applications to all the 5 categories and the Horticulture graduates were invited by Advertisement No. 90 of 2014.

We have also called the Judges papers of CWJC No. 5124 of 2018 in which no such contention; as taken herein was urged. Therein, the petitioners were appointed on contract basis as Agriculture Co-ordinators and their prayer was for weightage to be given to the service rendered by them in the contractual employment while carrying out the selection process as per the notification No. 86 of 2014. No such relief has been claimed in the present writ petition and in any event there is no stay of the selection procedure as noticed above.

We find no reason to interfere with the notification and the same is dismissed leaving the parties to suffer their



respective costs.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	04.07.2023
Transmission Date	

