

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8879 of 2015

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Ajay Kumar son of Sri Mahendra Pd. Rai resident of Village- Mahamada,
Post- Samastipur, Police Station- Pusa, District- Samastipur.

... .. Petitioner/s

Versus

1. The Rajendra Agricultural University and Ora
2. The Vice Chancellor, Rajendra Agricultural University, having office at PUSA, Samastipur, Bihar.
3. The Officer in Charge Recruitment Rajendra Agricultural University having office at PUSA, Samastipur
4. The Director Administration, Rajendra Agricultural University having office at PUSA, Samastipur, Bi
5. The Dean, Agricultural Faculty, Rajendra Agricultural University, having office at PUSA, Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anand Kumar Ojha
For the Respondent/s	:	Mr. Arvind Ujjwal
	:	Mr. Rajiv Kumar Singh
For the University	:	Mr. Chandra Mohan Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 17 11-03-2024 1. Heard the parties.
2. The petitioner, being aggrieved by the order of termination of his services from the post of Field Man dated 22.05.2015, has filed the present writ application for quashing of the cancellation of his appointment. The ground for cancellation is that the experience certificate submitted by the petitioner, upon verification, was found to be forged and not issued from the office of Dean, Agricultural Faculty.



3. Pursuant to the advertisement No. 01 of 22.07.2011 published by the Rajendra Agricultural University, Pusa, the petitioner applied for the post of Field Man and having successfully qualified in the interview conducted by the University was appointed as Field Man. The petitioner was served with a show cause dated 20.02.2015 requiring him to submit his explanation that upon verifying the experience certificate, submitted by the petitioner, was found to be forged/incorrect. The explanation was to be submitted within a period of fifteen days.
4. Mr. Rajeev Singh, learned counsel appearing for the petitioner, submits that the petitioner submitted his reply to the show cause on 07.03.2015, specifically stating therein that the signature of the Author of the certificate has not been verified from him and he was not called upon on the point as to whether the certificate issued by him was correct or not. He further argued that a detailed reply was submitted by the petitioner but in the impugned order, there is no discussion on/ or consideration of reply of the petitioner and one liner finding has been recorded that the explanation submitted by the petitioner is not



acceptable.

5. Mr. Chandra Mohan Singh, learned counsel for the University, in reply, argued that as per the terms of advertisement, the candidate aspiring for the post of Field Man was required to have the requisite qualification of ISC/ISC-AG with one year experience in data collection. The petitioner was appointed on 1st July, 2005, as Computer Operator. He continued to serve as a Computer Operator in the University till 2014 and from perusal of Annexure 3 Series, it would be evident that the petitioner was being paid the salary for Computer Operator. The petitioner never performed the work of data collection, as such, he is not fulfilling the eligibility criteria for appointment as Field Man. He further submits that the certificate produced by the petitioner was not issued from the office of the Dean Agricultural University, Pusa.
6. Learned counsel for the University further argued that the petitioner is not having the eligibility criteria as required under the advertisement which says one year experience of data collection.
7. In reply learned counsel for the petitioner argued that in the show cause, the only allegation which was made by



the authority is that the certificate submitted by the petitioner was forged and it was not mentioned in the show cause that the petitioner was not having the experience of data collection, as such, the petitioner was not given opportunity to represent before the authority the experience which he gained during the entire tenure he served Rajendra Agricultural University. Referring to the experience certificate, learned counsel submits that certificate issued by the Dean Agriculture would clearly show that the petitioner has performed different types of work including the field work pertaining to data collection. Since show cause was not asked on the aspect of nature of work performed by the petitioner during his tenure, as such, petitioner has been seriously prejudiced and the same amounts to violation of principle of natural justice.

8. I have heard learned counsel for the parties and gone through the materials on record. From perusal of the show cause it appears that it pertains to submission of forged certificate submitted by the petitioner for obtaining appointment as Field Man. The show cause does not depict the fact regarding lack of experience of data



collection.

9. Accordingly, I am of the opinion that the fresh show cause should be given to the petitioner having the specific allegation which could be replied by the petitioner. In the result, the order No. 204 dated 22.05.2015 is quashed, the University is directed to issue fresh show cause giving the specific allegation in the same within a period of one month and upon receipt of the show cause, the petitioner shall be at liberty to file his show cause within a further period of one month. The concerned authority is directed to pass a reasoned order after consideration of the reply to the show cause filed by the petitioner within a period of three months from the date of submission of reply to the show cause filed by the petitioner. Consequences to this order shall not follow in the meanwhile.
10. The present writ application stands disposed with the aforesaid direction.

(Anil Kumar Sinha, J)

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