

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9509 of 2015

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Mritunjay Kumar Gupta S/o Sri Nand Kishore Gupta Resident of Village
Ratanpur, P.S. Bariarpur, District Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, HRD, Govt. of Bihar, Patna.
2. Rajendra Agriculture University, Bihar Pusa, Distt Samastipur through its Registrar.
3. The Vice Chancellor, Rajendra Agriculture University, Bihar, Pusa, Distt Samastipur.
4. Director, Administration, Rajendra Agriculture University, Bihar, Pusa, Distt Samastipur.
5. Honorary Director, Comprehensive Cost of Cultivation Scheme, Deptt of Agriculture Economics , Rajendra Agriculture University, Pusa, Distt. Samastipur.
6. Incharge officer (Appointment), Rajendra Agriculture University, Pusa, Distt Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate
For the Respondent/s : Mr. Nadeem Seraj, GP-20

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 16-01-2024

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

2. The petitioner has filed the instant application
praying for quashing of letter bearing Memo no.534 dated
22.5.2015 issued under the signature of the Director,
Administration, Rajendra Agriculture University, Bihar, Pusa,
District Samastipur whereby the petitioner was terminated from
service while working on the post of Field Man and for other
reliefs.



3. The case of the petitioner in brief is that pursuant to an advertisement dated 27.7.2011 issued by the Rajendra Agriculture University (hereinafter referred to as 'the University'), the petitioner was appointed on the post of Field Man on temporary basis in the pay scale of Rs.3,050/ to 4,590/. The qualification required for the said post was that the applicant should be I.Sc./I.Sc.(Ag.) with one year experience as Data Collector. Having participated in the written test followed by the interview, the petitioner was successfully appointed on 6.5.2014. Further case of the petitioner is that he was performing his duty to the best of his ability and to the satisfaction of the authority concerned. The petitioner received a letter dated 20.2.2015 from the University stating therein that in course of verification of the experience certificate submitted by the petitioner, it transpired that the said experience certificate had not been issued by the company concerned. As such, the petitioner was asked to show cause within a period of 15 days as to why his appointment on the post of Field Man be not cancelled. The petitioner filed his reply which has been brought on record as Annexure-12 to the writ petition. He stated therein that his experience certificate has been issued by Messina Beej Bhandar, Samastipur where he had worked. The said Messina



Beej Bhandar was not only involved in arranging and distribution of seeds from Messina Beej Private Limited but also from other distributors of seeds. The petitioner stated that on enquiry, it has transpired that the Messina Beej Bhandar where he was working and has gained experience is no longer present and the Manager has shifted elsewhere, a place not known to the petitioner.

4. Learned counsel for the petitioner submitted that the categorical assertion of the petitioner in the writ application was that the experience certificate was issued by Messina Beej Bhandar, Samastipur and not Messina Beej Private Limited where the respondents have got their so called verification done with respect to the experience certificate of the petitioner. Thus, the order terminating the service of the petitioner as Field Man on the basis of the enquiry done by the respondents from a place other than where the petitioner worked and obtained the experience certificate is not sustainable and the same be set aside.

5. Learned counsel for the respondents submitted that in Advertisement no.1 of 2011, the essential eligibility for appointment as a Field Man was that besides the candidate being an I.Sc./I.Sc.(Ag.) the candidate should also have one year



experience of Data Collection. The Selection Committee constituted by the University had recommended the name of the petitioner for the purpose of Field Man on the basis of the experience certificate produced by him. It was subsequently on verification that in course of enquiry, it transpired that the Messina Beej Bhandar who had purportedly issued the experience certificate in favour of the petitioner was not to be found and was traceless. This fact having been accepted by the petitioner, shows that the certificate of experience produced by him is fake and fabricated.

6. Having heard learned counsel for the parties and having perused the material on record, it transpires that one of the essential conditions for appointment on the post of Field Man was that besides being I.Sc./I.Sc.(Ag.), the candidate/applicant should also have an experience of one year of Data Collection. It is also not in dispute that by way of experience in data collection, the petitioner produced before the respondents a certificate which has been brought on record as Annexure-11 to the writ application issued by Messina Beej Bhandar, Samastipur. It is on verification of this certificate that the respondents state that the same was found to be forged which led to termination of the petitioner from the post of Field



Man.

7. On perusal of the order of termination dated 22.5.2015, impugned herein, it would show that for verification, a letter no.762 dated 12.12.2014 was written to Messina Beej Bhandar in reply to which a letter dated 19.12.2014 was received from M/s Messina Beej Private Limited, Tajpur Road, Samastipur to the effect that they had not issued the experience certificate to the petitioner.

8. So far as the non-issuance of certificate by the company in question is concerned, it is the categorical case of the petitioner that he had worked and had been issued the experience certificate from Messina Beej Bhandar, Samastipur and not Messina Beej Private Limited, Tajpur Road, Samastipur. The letter being referred to by the respondents in their so called verification is a letter received by them from M/s Messina Beej Private Limited, Tajpur Road, Samastipur and not the place from where the petitioner claims to have worked and gained experience. There is no reply with respect to the same by the respondents. Further, on perusal of the order of termination dated 22.5.2015, it transpires that while on one hand the respondents based their order on the reply received from the company concerned to the effect that no experience certificate



was issued in favour of the petitioner, at the same time, in paragraph nos.10 and 15 of the counter affidavit filed on behalf of the University, the contention is that the Messina Beej Bhandar where the petitioner worked and of which the petitioner produced the experience certificate is not in existence, is traceless and its whereabouts is not known. The respondents cannot be permitted to blow hot and cold at the same time. In case, the existence of the company where the petitioner claims to have obtained experience is doubtful and the same is traceless, the order impugned cannot be based on a reply received from the same 'traceless' company, nor can it be based on reply from another company which bears the same first name.

9. For the aforesaid reasons, the Court finds substance in the submission made by the learned counsel for the petitioner that the order of termination as contained in Memo no.534 dated 22.5.2015 (Annexure-13) issued under the signature of the Director, Administration, Rajendra Agriculture University, Bihar, Pusa, Samastipur is not sustainable and is accordingly set aside.

10. The petitioner will be entitled for the arrears of salary/allowances for the period that he was illegally restrained



from working. This order will not come in way of respondent-
University in making a fresh enquiry against the petitioner with
respect to his experience certificate.

11. The application stands allowed to the above extent.

(Partha Sarthy, J)

Saurabh/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.01.2024
Transmission Date	

