

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.260 of 2021

In
Civil Writ Jurisdiction Case No.13361 of 2018

=====

Nivedita singh Daughter of Dev Narain singh resident of Jawahi Diyar, P.O.-
Balua, P.S.- Brahmpur, District- Buxar, Presently resident at 247, Pandit
Gangadhar Mishra Nagar, Chaubaga Bye Pass, sitapur (Uttar Pradesh)

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Home Department, govt. of Bihar, Patna
3. The Director, Forensic Science Laboratory, Bihar, Patna
4. The Bihar Staff Selection Commission, through its Chairman
5. The Secretary, Bihar Staff Selection Commission, Patna

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Prashant Sinha, Advocate
For the Respondent/s : Mr. Saroj Kr. Sharma, AC to AAG 3
For the Staff Selection Commission : Mr. Satyam Shivam Sundaram, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 19-07-2024

The present appeal is arising out of CWJC No. 13361 of 2018 decided on 23.02.2021. The appellant was a candidate for recruitment to the post of Senior Scientific Assistant pursuant to Advertisement No. 09010115 (Ballistic branch-Physics Division) and Advertisement No. 11010115 (Physics branch-Physics Division).



2. The appellant's candidature was not considered on the score that she failed to furnish creamy layer certificate at the time of interview. It is urged that she has sought fifteen days time to produce creamy layer certificate and it is alleged that it was granted by the selecting authority. It is to be noted that selecting authority has no power to extend production of relevant certificates for the post of Senior Scientific Assistant pursuant to the advertisement cited *supra*. Even Court cannot extend the cutoff date for production of any certificate which are the eligibility criteria of a candidate to be selected and appointed, therefore, the appellant has not made out a case so as to interfere with the order of the learned Single Judge dated 23.02.2021.

3. Accordingly, present L.P.A. No. 260 of 2021 stands dismissed.

4. At this stage, learned counsel for the appellant relied on the Hon'ble Supreme Court decision in the case of ***Ram Kumar Guroya vs. Delhi Subordinate Services Selection Board and Another*** reported in (2016) 4 SCC 754 to the extent that candidate can provide certificate beyond the cutoff date. The later judgements of the Hon'ble Supreme Court in the case of ***State of Bihar and Others vs. Madhu Kant Ranjan and Another*** (Civil Appeal No. 7677 of 2021) and ***Divya vs. Union of India and***



others reported in **(2024) 1 SCC 448** held that as on the cutoff date candidate was required to fulfill all the eligibility criteria even to the extent of production of certificates/documents. Having regard to the later judgement, the earlier judgement do not assist the appellant.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.07.2024
Transmission Date	NA

