

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4251 of 2013

Govind Jha Son Of Sri Bharat Jha Resident Of Village- Benipatti, Police
Station- Benipatti, District- Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Higher Education
2. The Principal Secretary, Department Of Higher Education, Govt. Of Bihar,
New Secretariat, Patna
3. The Lalit Narayan Mithila University, Through Its Vice-Chancellor,
Kameshwar Nagar, Darbhanga
4. The Vice-Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga
5. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga
6. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga
7. The Principal K.V.S. College, Uchaith, Benipatti, Madhubani

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shailendra Kumar Jha, Advocate
For the Respondent/s	:	Mr.Ajay, GA 5
	:	Mr. Rakesh Kr. Ranjan, AC to GA 5
For L.N.M.U.	:	Ms. Alka Verma, Advocate
For respondent no. 7	:	Mr. Suryakant Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL JUDGMENT

Date : 29-04-2024

1. Heard learned counsel for the parties concerned.
2. The petitioner has preferred the present application
for a direction to the respondent- University to appoint him on
the post of Geography Store-Keeper. The further prayer of the
petitioner is to direct the respondent- authorities to act as per
Memo 298 dated 09.03.1990, whereby the State Government



sanctioned the post of Non-Teaching staffs in the concerned University.

3. The case of the petitioner is that pursuant to an advertisement published on 18.02.2002, the petitioner having B-com degree from L.N.M. University, Bhagalpur, applied for three posts of Non-Teaching staffs i.e. Geography Store-Keeper, Sample Collector and Laboratory Boy (Geography) in K.V.S. College Uchhaith, Benipatti, Madhubani on 11.03.2002. A receipt was granted to the petitioner by the respondent in proof of his submitting application, which is at Annexure-3 to this writ application.

After lapse of 10 years, the University issued an Admit Card bearing no. 039 dated 13.07.2012 (Annexure-7) to the petitioner for appearing in the interview for the post of Laboratory Boy (Geography). The contention of the petitioner is that he was not given the Admit Cards for appearing in the interview for the post of Store Keeper and Sample Collector, even though he had applied for those posts also. The petitioner appeared in the interview on 07.08.2012, after which the list of selected candidates was published by the University on 11.08.2012 (Annexure-8) but the name of the petitioner does not find place. The petitioner submitted a representation to the



Vice-Chancellor on 30.11.2012 stating that he was the only candidate who had applied for the post of Geography Store Keeper and he should be selected on that post.

4. Learned counsel for the petitioner submits that the petitioner was not given opportunity to take part in the selection process, as he had applied for three posts i.e. Geography Store-Keeper, Sample Collector and Laboratory Boy (Geography), whereas Admit Card was given for only one post i.e. of Laboratory Boy (Geography). There were two posts of Laboratory Boy (Geography), out of which, only one post has been filled up. He further argued that many candidates applied for the post of Store Keeper (General) but the petitioner was the only candidate for the post of Geography Store Keeper, wherein, still there is two sanctioned posts w.e.f. 11.08.2012 and no appointment has yet been made. The State Government sanctioned the post of Non-Teaching Staff vide letter dated 09.03.1990, according to which, three posts of Store Keeper were sanctioned.

5. *Per contra*, learned counsel for the University argued that there is no any post of Store Keeper (Geography) in the advertisement. She further contended that pursuant to the advertisement, all the posts were filled up and there is no



vacancy either in Class-III or in Class-IV post. She further submits that by notice dated 06.07.2012, it was informed to all candidates that those who have not received Admit Card, may collect the same from the Office after submitting the xerox of the receipt but the petitioner did not make any effort to collect the same from the Office.

Learned counsel next submits that no post of Store Keeper (Geography) was advertised for appointment. Only two posts of Store Keeper were advertised which is Class-III posts and for selection in Class-III post, written test and interview were conducted whereas only interview was held for selection of Class-IV posts.

6. I have heard learned counsel for the parties and have gone through the Advertisement at Annexure-2, dated 18.02.2002. Upon perusal of advertisement, it appears that only two posts of Store Keeper were advertised in Grade-III. In Grade-IV, one post of Sample Collector was advertised and total 08 posts of Laboratory Boy were advertised, out of which, Laboratory Boy (Geography) was having one post. Annexure-3 is the receipt of application submitted by the petitioner and upon perusal of the same, it appears that petitioner applied for Store Keeper (Geography) and Sample Collector. The petitioner was



given the Admit Card for Laboratory Boy (Geography) but he is seeking direction for appointment as Store-Keeper (Geography) in Class-III post. It is not the case of the petitioner that he approached the Authorities for Admit Card pursuant to a notice published by the University on 06.07.2012. The petitioner has not appeared in written test and interview whereas the candidates who have been appointed on the post of Store Keeper, their result has been declared on 11.08.2012 vide Annexure-8. As the petitioner never appeared in the written test and interview and the selection process for appointment as Store Keeper came to an end in the year 2012, no relief can be granted to the petitioner.

7. Accordingly, this writ application is dismissed.

(Anil Kumar Sinha, J)

rinkee/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2024
Transmission Date	NA

