

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.394 of 2022

In

Civil Writ Jurisdiction Case No.949 of 2018

Dr. Ajit Kumar Pandey Son of Late Dr. R.D. Pandey, Permanent Resident of
A/74- Birla Colony, P.S.- Phulwarisharif, Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Agricultural Department,
Government of Bihar, Patna.
2. His Excellency, The Chancellor of Universities of Bihar, Raj Bhawan, Patna.
3. Vice- Chancellor, Bihar Agricultural University, Sabour, Bhagalpur.
4. Bihar Agricultural University, Sabour, Bhagalpur, through its Registrar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukul Sinha, Advocate
For the Respondent/s : Dr.K.N. Singh, ASG
Mr.Ram Tujabh Singh, CGC
Mr.Radhika Raman, Sr. CGC

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-08-2024

The petitioner-appellant, was aggrieved with the denial of appointment as an Assistant Professor, which selection was initiated by the respondent-Bihar Agricultural University, as per Advertisement No. 07 of 2011.

2. The petitioner's contention before the learned Single Judge was specifically that the certificate evidencing the experience, that he was a Senior Research Fellow was not available with the petitioner at the time of submitting the



application form, but was issued later on by the Indian Council of Agricultural Research (ICAR) on 03.04.2012. It was argued that the same was placed before the interview board and if the marks for experience; coming to two marks for each year of experience was added, he would have got higher rank than the person who was selected last at 57.57 marks; while the petitioner was granted only 54.01 marks. It was also argued that there were 61 unreserved vacancies, of which only 31 were filled up.

3. The respondent, however, specifically pointed out the notification which required all certificates, with respect to requisite academic qualifications, experience, awards, medals, fellowship etc. till the last date of application to be produced along with the application or rather; no enclosure or certificates being accepted after the last date of application.

4. The learned Single Judge found that even the application form produced by the petitioner, along with the writ petition, did not have his signature and hence it cannot be treated as the original. The further averment that he had attached the experience certificate along with the application form, hence was found to be doubtful and incorrect. The writ petition was dismissed also noticing the contention of the respondent that in



fact the total vacancies available were 61 and there were only 31 unreserved vacancies.

5. Before us, the learned Counsel appearing for the petitioner has argued that, in fact the application form attached along with the writ petition did not have a signature, since he had merely downloaded the same from the computer. The requirement as per the notification was to fill-up the format of the application in the computer, download the same and send hard-copy to the University. In that circumstance, the signature was put only after the application was printed out before sending it to the University. It is also pointed out that the certificate issued by the ICAR, was produced at the time of interview. This was the certificate issued at the time of completion of the project. The temporary certificates regarding the experience at the time of application, was attached with the application, is the specific contention.

6. At the outset, we observe that the appellant has not impleaded any successful candidate, even in a representative capacity. In fact, the specific averment of the appellant was that the last candidate selected, under the unreserved category had 57.57 marks, while he had only 54.01 marks. His contention was that if he had been granted the marks for experience, based



on the certificates he had produced along with the application, then necessarily he would have scored more marks. If that was the case, it was incumbent upon the appellant to have impleaded that person who had been selected; who he claims was the last candidate under the unreserved category and would have secured lesser marks than him.

7. Further we also notice that the advertisement was of the year 2011 and there is no explanation as to why the appellant approached this Court in the year 2018. The learned Counsel on a specific query made by us, was also not able to give any satisfactory explanation to that aspect.

8. Further, we notice that even in the reply to the counter affidavit filed in the writ application, the petitioner had specifically contended in Paragraph 6 that the petitioner was in possession of the certificate dated 03.04.2012, which was produced at the time of interview on 09.08.2012. In paragraph 7, it is again asserted that the petitioner submitted the certificate dated 03.04.2012 only at the time of interview on 09.08.2012. The said averments would clearly indicate that the certificate was not produced along with the application forms. The reliance placed, especially is on the certificate dated 03.04.2012 and the appellant cannot now wriggle out of his obligation, on the mere



submission that the unsigned application was one printed out from the computer.

9. The very submission that it was a mere print out would indicate that it was not the original sent to the University. In fact, when producing a copy, it should have been the copy of the signed certificate which was sent to the University and not a print out made subsequent to the sending of the application, merely for the purpose of filing a writ petition.

10. In such circumstance, we find valid, the finding of the learned Single Judge that the application produced cannot be considered to be the original one.

11. We also notice the extract from the notification of 09.06.2011 which is as follows:

6. Requisite academic qualifications, experience, awards, medals, fellowship etc. will be considered which have been awarded till last date of application.

7. No enclosure/certificates will be accepted after last date of application.

8. Details of the research papers with a copy of reprint is essential to be enclosed. In case of books photocopy of cover page, Preface, contents and back cover page be attached with the application.

12. The above extract very clearly indicates that the certificates had to accompany the application form and no



certificates would be accepted either for academic qualification, awards, medals, fellowship or experience after the last date of application. For the valid reasoning recorded by the learned Single Judge and for the additional reasons pointed out by us, we find absolutely no reason to entertain the appeal and we dismiss the same. The parties to suffer their respective costs.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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CAV DATE	
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