

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2632 of 2020

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Rajesh Kumar S/o Sri Naresh Kumar Resident at Arya Tola, P.O. and P.s.- Sabour, District- Bhagalpur-813210, Permanent Address- At- Mohalla Ashok Nagar, P.O.- Kashi College, Khagaria, P.s.- Chitragupt Nagar, District- Khagaria-831205

... .. Petitioner/s

Versus

1. The State of Bihar the Principal Secretary, Animal Husbandry Department, Govt. of Bihar, Patna
2. The Vice Chancellor Bihar Animal Sciences University, Patna
3. The Registrar Bihar Animal Sciences University, Patna
4. The Vice Chancellor Bihar Agriculture University, Sabour, Bhagalpur
5. The Registrar Bihar Agriculture University, Sabour, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Sumiran Singh Mr. Mukesh Kumar
For the State	:	Mr. Sajid Salim Khan (Sc25) Mr. Arif Daula Siddiqui, AC to SC 25
For the R.No.2 &3	:	Mr. Arvind Kumar Mr. Sri Ram Krishna

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 15-07-2024

Heard the parties.

2. The present writ application has been filed on behalf of the petitioner for issuance of writ, order or direction upon the respondent no.2 & 3 for the appointment of the petitioner as Assistant Professor-cum-Junior Scientist of the subject of Dairy Microbiology with retrospective effect from Advt. No.07/Rectt./BAU, Sabour dated 09.06.2011 (Annexure-5) issued by the Officer-in-charge recruitment of the then Bihar



Agricultural University Sabour by the order of the then Vice-Chancellor under which the Sanjay Gandhi Institute of Dairy Technology Jagdeo Path, Patna-14 and be further issuance of direction that the appointment be made as per terms and conditions of qualification and age as per modification advertisement no.07 dated 09.06.2011 contained in Annexure-5 deleting the term of qualification in the Annexure-6.

3. Learned counsel for the petitioner submits that Rajendra Agriculture University PUSA (Samastipur) published an advertisement in the year 2008 as Advertisement No.01/2008 for different posts and different categories as well as for the post of Assistant Professor-cum-Jr.Scientist in which one of the said post was reserved for SC and one post for EBC class was shown in Sanjay Gandhi Institute of Dairy Technology, Patna was shown but till the final date of application no one had filled it to fill up the post either by the SC or by the EBC class and the said posts are still vacant.

4. He further submits that in the meantime Bihar Agriculture University, Sabour was established and again advertisement for different post was advertised by the advertisement no.07/2011 dated 09.06.2011 but in the said advertisement no advertisement was vacant for the post of Assistant Professor-cum-Jr. Scientist



for the post of category of EBC or SC or any other class. The petitioner was eligible for the said post from EBC category but he had been prevented due to non-advertisement for the said post.

5. He further submits that again vide employment notice no.07/2019 dated 30.11.2019 was published for the several post of Assistant Professor-cum-Junior Scientist including 15 post for Sanjay Gandhi Institute of Dairy Technology, Patna in which only three post was supposed to be filled, 1 post was for EBC. Although the petitioner applied for the said post but in the column of the qualification and experience has now been fixed for the said post as “For the candidate having Master Degree NET shall remain compulsory along with one publication in NAAS (National Academy of Agricultural Sciences New Delhi) rated referred Journal for recruitment to the post of Assistant Professor and Equivalent in the disciplines in which NET is conducted.”

6. He further submits that in the earlier Advertisement notice of 2008, as contained in Annexure-3 as well as in the advertisement notice of 2009 contained in Annexure-4, there was no requirement of NET qualified before the appointment.

7. Learned counsel for the respondent nos.2 and 3 submits



that the petitioner is not entitled to get any relief as the claims made on his part is devoid of any merit as the action on the part of the University is based on recruitment rules. He further submits that petitioner does not possess the requisite qualification of the advertised post, therefore, there is no infirmity in the advertisement published by the University.

8. Considering the arguments advanced on behalf of the parties, I find no merit in the present writ application, as such, it is accordingly, dismissed.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19/07/2024
Transmission Date	NA

