

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1475 of 2019

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Md. Irshad Hussain Md. Hussain Ansari, Resident of Mohallah- Bhabhdepur,
Ward No. 23, P.S. and District- Sitamarhi.

... .. Petitioner/s

Versus

1. The Vice Chancellor, Dr. Rajendra Prasad Central Agriculture University and Ors Pusa Samastipur.
2. Registrar, Dr. Rajendra Prasad, Central Agriculture University, Pusa, Samastipur.
3. Deputy Registrar (Rectt), Dr. Rajendra Prasad, Central Agriculture University, Pusa, Samastipur.
4. Hemlata Singh, Sri Amardeep Kumar, Resident of H.No. 353, IInd Floor, 29th Cross- 21 st Main Road, Judicial Layout, Bangalore Karnataka. At present Asst. Professor (Biochemistry) Tirhut College of Agriculture Dholi, Muzaffarpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Mr.Arun Kumar, Advocates.
For the Respondent/s	:	Mr. Abhinav Shrivastava, Sr. Adv. Mr Pushkar Bhardwaj, Adv. Mr.Arvind Ujjwal, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

10 02-09-2025 Heard the parties concerned.

2. The petitioner has filed the instant writ petition for commanding upon the respondents to appoint the petitioner on the post of Assistant Professor in Dr. Rajendra Prasad, Central Agricultural University, Pusa, Samastipur in the faculty of Biochemistry on the strength that the petitioner since 17.05.2012 has been discharging his duties as guest faculty and has also qualified in the written examination conducted by the University but instead of selection/appointment of the petitioner,



Respondent No. 4, Ms. Hemlata Singh has been selected in an arbitrary manner not giving weightage to the services rendered by the petitioner with the University in question.

2. Learned counsel for the petitioner submits that the petitioner has passed the examination of Master of Science from Patna University in First Class. The examination was held in the month of April, 2008 and he holds the requisite qualification for being appointed against the post which is said to have been advertised by the University for finding a suitable candidate to be selected by the body constituted in this regard.

3. On the contrary, learned counsel representing the University has drawn the attention of this Court to paragraph-4 of the counter affidavit filed on behalf of Respondents No. 1, 2 and 3 which is as follows:-

“That the petitioner, pursuant to the advertisement dated 17/03/2018, applied for the post of Assistant Professor, Biochemistry. As per the advertisement, there was one vacancy. After due completion of the process, one Hemlata Singh, who has been arrayed as Respondent No. 4 in the present writ petition, was selected since she secured the highest marks. Two other candidates, namely, Jyoti Prakash Singh and G Prabhu, who also secured higher marks than the petitioner in the writ petition under reply, were the waitlisted candidates. After the petitioner was unsuccessful, which occurred because of his



own performance in the process of selection, he decided to file the writ petition under reply, seeking reliefs, which, in the respectful submission of the answering respondents, to which the petitioner is not entitled.

4. Learned counsel for the University further draws the attention of this Court towards Annexure R/1 to the said counter affidavit, which is the final score card prepared by the University wherein the total marks which is said to have been obtained by the petitioner is 205.74 including the marks obtained in the interview. The said Annexure R/1 further discloses that three candidates, namely, Hemlata Singh, Jyoti Prakash and G. Prabhu are said to have obtained higher marks than this petitioner and accordingly, on the basis of marks obtained by them which is apparent from final score card, Hemlata Singh who has secured total marks 238.5 was finally selected after completion of all the processes as provided in law. Therefore, the challenge made by the petitioner after having participated in selection process, is hit by the judgment of Hon'ble Supreme Court, where it has been held that once a person, who participated in the selection process, and after having been declared unsuccessful on the basis of marks obtained and his candidature having not been found in accordance with the provision of law and having obtained lower



marks than that of the person who has been duly selected, such challenges cannot be sustained in law.

5. Considering the fact that the entire process of selection was fairly conducted by the body so constituted and transparency in the matters of grant of requisite marks as against the interview and other academic career are not the matter of challenge and admittedly, the petitioner did not secure the marks higher than the candidate who is said to be appointed/selected, the claim of the petitioner is completely unfounded and is not supported with any prudent material warranting interference in any manner.

6. Accordingly, the present petition stands dismissed.

(Ajit Kumar, J)

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