

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3983 of 2015

- =====
1. Ram Pukar Choudhary S/o Late Bachoolal Choudhary Resident of C.D.A. Colony, North Shastrinagar, P.S. Shastrinagar, Patna. At present working as Lecturer, Selection Grade at Government Polytechnic, Chapra.
 2. Chandrika Rawat S/o Janki Rawat Resident of Village Sheosona, Police Station Halsi, District Lakhisarai. At present working as Lecturer, Selection Grade at Government Polytechnic, Muzaffarpur.
 3. Rama Shankar Singh S/o Sri Rameshwar Singh Resident of Village + P.O. Moudihan, P.S. Nokha, District Rohtas. At present working as Lecturer, Selection Grade, at Government Polytechnic Gulzarbagh, Patna.
 4. Brij Mohan Sharma S/o Late Sita Ram Sharma Resident of New Patna Colony, Anishabad, Beur, Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Government of Bihar, Main Secretariat, Patna.
3. The Principal Secretary, Department of Science and Technology, Government of Bihar, Technology Bhawan, Patna.
4. The Director, Department of Science & Technology, Government of Bihar, Technology Bhawan, Patna.
5. The Deputy Secretary, Department of Science & Technology, Government of Bihar, Technology Bhawan, Patna.
6. Bihar Public Service Commission, Bailey Road, Patna through its Chairman.
7. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra
For the BPSC : Mr P.N.Shahi, Sr. Advocate
Mr Sanjay Pandey
For the State : Mr Kinkar Kumar, SC 27

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 20-04-2015

There are four petitioners before this Court. They all want quashing of Advertisement No.2 of 2015, published on 5.2.2015, by Bihar Public Service Commission to fill up posts of



Principal in Government Polytechnics/ Government Women's Polytechnics in the State of Bihar. The main thrust of the argument of the counsel for the petitioner is that the advertisement issued by the BPSC has been deliberately twisted with the object of denying these petitioners even the opportunity of participation for consideration. They have inserted requirement of a Ph.D. in addition to other qualifications which is not mandatory. The advertisement must be in consonance with direction of the All India Council for Technical Education (AICTE). The yardstick has been laid down by them but the respondent authorities have gone about issuing an advertisement demanding Ph.D. as a requirement in addition to other experience and the percentage of marks indicated in the advertisement.

To make things worse, there is a discrepancy in the English version and the Hindi version of the advertisement.

The Court has gone through the advertisement and the annexures annexed with the writ application. Even though Hindi is supposed to be our mother tongue but due to temptation of some to coin tongue twisters to make it sound high and mighty, which is not required to be really done, to show that the official version of the language is any superior than the language which is used or understood by a common man.

The contentious word is “उपर्युक्तानुसार योग्यता” used in the Hindi version of the advertisement

Counsel for the petitioner finds a difference between the requirement in English and requirement in Hindi.

This Court does not see any difference at all because the word “उपर्युक्तानुसार” means what is indicated above. Merely because the word Ph.D. has not been used, it does not mean that it has no requirement. The simplicity of language at times answers many a doubts and it is always advisable to use words, which majority can understand. Obviously, the petitioner has tried to play upon the said word to make out a case of discrimination and plead Articles 14 and 16 violation.

Yet another contention of the counsel for the petitioner is that the State authorities have no business to raise the bar over and above the minimum yardstick and requirement laid down by AICTE.

In the opinion of this Court, the standards, which are laid down by the AICTE is the minimum yardstick. If any State gets better qualified persons to fill up posts, no Court can hold it to be arbitrary in any manner.

Even otherwise, the Court cannot be unmindful of the fact that the post has not been filled since long due to one or the

other reason and the Division Bench has recently given a clear directive to fill up the post within a time frame. May be the present writ application is an effort to again derail the exercise. The Court would not have hesitated to interfere with the advertisement despite the directive of the Division Bench provided there was any merit in the petition.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

sk

U			
---	--	--	--