

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19185 of 2014

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1. Dr. Vijay Kumar, S/o- Late Ram Yugeshwar Singh, R/o Village- Barmanandpur, P.O. Sripur, District- Begusarai.
 2. Dr. Tuntun Kumar Panday, S/o Shri Ashok Kumar Panday, R/o Village & P.O.- Chaita Uttari, Via- Ujiarpur, District- Samastipur, Bihar- 848132.
 3. Dr. Raman Kumar Jha, S/o Vishnu Kant Jha, R/o Village & P.O. & P.S.- Raghunathpuri, Sitamarhi, 843332.
 4. Dr. Ritesh Kumar, S/o- Bindeshwari Prasad Singh, R/o- At & P.O.- Barkagaon, P.S.- Pakridayal, District- East Champaran, Bihar- 845428.
 5. Dr. Mukesh Kumar Sinha @ M.K. Sinha, S/o Late Ramchandra Prasad, R/o Village Dubiyahi, P.O. Chhajan, Via-Turki, District Muzaffarpur, Bihar.
- Petitioners

Versus

1. The State of Bihar through the Secretary, Department of Higher Education, Government of Bihar, Patna.
2. The Director, Higher Education, Government of Bihar, Patna.
3. The Secretary, Bihar Public Service Commission, Patna.
4. The Joint Secretary Cum Examination Controller, B.P.S.C., Patna.
5. The Chairman, University Grant Commission, Bahadur Shah Zafar Marg, New Delhi- 110002.

.... Respondents

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Appearance :

For the Petitioners	:	Mr. Anjani Kumar Singh, Advocate
For the State	:	Mr. Rakesh Prabhat, A.C.to S.C.9
For U.G.C.	:	Mr. Deepak Kumar, Advocate
For B.P.S.C.	:	Mr. Satyabir Bharti, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 07-12-2015

Petitioners filed the writ application for quashing of the selection process as well as the advertisement no.44-84/2014. The advertisement relates to selection on the post of Assistant Professors against the vacancies existing in the State of Bihar.

The main thrust of the argument of the counsel for the petitioners is that some of the parameters laid down in the advertisement for such selection seem to be in violation of the U.G.C. guidelines and that is good enough to bring to knot the entire advertisement and the selection.

Ever since such an advertisement has been issued by Bihar Public Service Commission (hereinafter referred to as 'the B.P.S.C.'), several writ applications have been filed before this Court challenging various facets of the advertisement. The whole effort in those writ applications including the present one is to some how dilute the rigors of the requirement laid down in the advertisement and to climb the bandwagon of selection and appointment as Assistant Professors (Lecturers) in the State of Bihar even if they are not employable in terms of the advertisement.

Since this Court has the benefit of a Division Bench decision which is the case of *Dr. Rakesh Kumar Singh & Ors. vs. The Union of India*, reported in 2015 (4) PLJR 477 where even the aspect raised in the present writ application has also been considered and answered in paragraph-23, the Court does not want to waste judicial time on deciding the same issue again and again.

The rational and reasoning given by the Division Bench besides being binding upon this Court also, answers the legal question, therefore, the writ application is dismissed for the ratio and the finding given in the said decision of the Division Bench.

(Ajay Kumar Tripathi, J.)

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