

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15606 of 2014

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1. Ram Naresh Singh S/o - Sri Jibachh Singh R/o - Uchhal, P.S. - Basopatti, District - Madhubani at present Sr. Lecturer Management Technology (MOP) Govt. Women's Polytechnic, Muzaffarpur.
 2. Prakash Kumar Singh S/o - Late Anjani Kishore Sinha R/o - Sri Krishna Nagar Khabra, P.S. - Muzaffarpur, Sadar District - Muzaffarpur, at present, Lecturer Physics Department, Govt. Women's Polytechnic, Muzaffarpur.
 3. Vinit Kumar S/o - Sri Umesh Prasad Thakur R/o - Aganagar, P.S. - Maniyari, District - Muzaffarpur at present Lecturer Electronics Engg., Govt. Women's Polytechnic, Muzaffarpur.
 4. Upendra Sah S/o - Late Jawahar Sah R/o - Shankarpuri Sadpura, P.S. - Kazi Mohammadpur, District - Muzaffarpur at present Lecturer Mathematics Govt. Polytechnic Muzaffarpur.
 5. Anita Kumari W/o - Rajeev Kumar Singh R/o Khalishpur, (Sarangpur East) P.S. - Tajpur, District - Samastipur, At present Lecturer Electronics Engg. Govt. Polytechnic Muzaffarpur.
 6. Annapurna Sharma W/o - Shyam Babu Sharma R/o - Pahladpur, P.S. - Mushahhari, District - Muzaffarpur, At present Lecturer Chemistry Govt. Polytechnic Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Science and Technology, Government of Bihar, Patna.
2. The Additional Secretary Department of Science and Technology, Government of Bihar, Patna.
3. The Bihar Public Service Commission, through its Secretary B.P.S.C. Bailey Road, Patna.
4. The Joint Secretary cum Examination Controller, B.P.S.C. Bailey Road, Patna.
5. The All India Council of Technical Education through its Secretary, A.I.C.T.E., New Delhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Ajit Kumar Singh
Mr. Avinash
For the State : Mr. M.D.Singh, AC to GA 10
For the BPSC : Mr Zaki Haider

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 03-12-2015

The six petitioners before this Court are aspirants for the post of Lecturers. An advertisement for such appointment was issued by Bihar Public Service Commission on 22.8.2014. Annexure- 4 is the

advertisement. Petitioners want quashing of the advertisement because some of the terms and conditions including weightage for work experience or academic excellence have created a kind of apprehension in their mind that it will come in their way of a fair consideration.

It is their case that they have the necessary qualification but the advertisement talks about giving weightage of marks as well as lesser percentage of marks for academic qualification vis- a- vis what All India Council for Technical Education has laid down in Annexure- 6 or the UGC in Annexure- 7. Another fact pointed out to the Court is that certain modifications were made to the Bihar Polytechnic Technical Service Rules, 2014 vide a Government resolution no.1412 dated 17th of July, 2014, which was quashed by a Division Bench on the ground that a Rule framed under Article 309 of the Constitution cannot be modified or amended by a Government resolution.

The amendment may have been struck down but the Service Rules of 2014 stands.

The fallacy in the argument of the learned counsel for the petitioners is that both Annexure- 6 and 7 do not apply to their case. Annexure- 6 is a notification, which deals with Career Advancement whereas Annexure- 7 is a UGC guidelines, which have

no applicability to technical institutes like the polytechnic or engineering colleges situated in the State of Bihar. To that extent, this Court does not find any infirmity with the advertisement not being in consonance with Annexure- 6 or Annexure-7.

Nothing is pointed out that the advertisement contained in Annexure- 4 is contrary to 2014 guidelines/ rules or it is contrary to the requisition, which was sent by the State for such selection and appointment on the post of Lecturers.

The effort on the part of these petitioners is to take advantage in an area where they are more smug and comfortable rather than any illegality in the advertisement or the terms laid down therein.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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