

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Civil Review No.316 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 19011 of 2014**

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1. Dr. Amit Ranjan Singh, Son of Late Ganesh Prasad Singh, resident of At + P.O. Khaira Dorion, Via - Haweli Kharagpur, P.S. Tarapur, District - Munger
 2. Dr. Kumar Sanjeev, Son of Late Chandra Madhav Prasad Singh, resident of village + P.O. Mow Dhaneshpur, P.S. Vidyapatinagar, District - Samastipur
 3. Dr. Umesh Prasad Niraj, Son of Shri Narayan Mandal, resident of At Golaghat, Post- Naya Bazar, P.S. Tatarpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna
2. The Chancellor of Universities of Bihar, Raj Bhawan, Patna
3. The Bihar Public Service Commission, Patna through its Secretary
4. The Chairman, Bihar Public Service Commission, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate.

For the Respondent/s : Mr. Lalit Kishore, P.A.A.G.-I,

Mr. Manish Dhari Singh, A.C. to PAAG-I

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 30-11-2016

The writ application (C.W.J.C. No. 19011 of 2014)



filed by the petitioners was dismissed on 29th of September, 2015. In a Special Leave Petition against the said order, an argument was raised that the petitioners possessed requisite qualifications for appointment, which fact was not considered by the High Court. With that observation, the petitioners withdrew the Special Leave Petition with liberty to file Review Petition. It is thereafter, the present Review Application has been filed.

2. In the present Review Application, the only argument raised by the petitioners is that the provision of awarding different marks for Ph.D. with or without National Eligibility Test is artificial, discriminatory and not rational. Such marks are provided in Schedule V, which is part of Annexure-5 dated 11th of September, 2014 whereby, the Chancellor approved the Statutes for Appointment of Teachers (Assistant Professor Grade) for the Universities of Bihar, 2014. The Schedule-V reads as under:-

“Marks for Ph.D. or M.Phil.

Sl. No.	Grade Points	Marks
1	Ph.D as per UGC Regulations 2009 and with NET	10.00
	Ph.D. as per UGC Regulations 2009 and without NET	7.00
2	Ph.D. not as per UGC Regulations 2009 and with NET	5.00
3	M. Phil. as per UGC Regulations 2009 and with NET	4.00
4	M. Phil. not as per UGC Regulations 2009 and with NET	2.00



Note: Ph.D. or M.Phil. in the subject concerned for the selection of the candidate will only be considered.”

3. Learned counsel for the petitioners fairly admits that this grading of marks was not challenged when the writ application was earlier argued before this Court.

4. Since no such argument was raised, it is not a ground for review but still we have heard learned counsel for the petitioners on the merits of such an argument.

5. The petitioners are Ph.D. but not as per U.G.C. Regulation, 2009 and have qualified National Eligibility Test. They have been granted 5 marks. According to the petitioners, the difference in marks between the candidates who have obtained Ph.D. as per U.G.C. Regulation, 2009 or otherwise is not fixed on intelligible differentia. Thus, the awarding of different marks on the basis of having Ph.D. prior to 2009 or later is wholly arbitrary and can not be sustained and that the petitioners are entitled to 10 marks.

6. The awarding of marks for pre 2009 holders of Ph.D. Degree or post 2009 Ph.D. Degree has been arrived at by the experts. In exercise of power of judicial review, we will not be able to sit as an Appellate Authority to examine the distinction of the Ph.D. Degree obtained as per U.G.C. Regulation, 2009 or earlier.

7. In view of the fact that the awarding of marks for



qualifications obtained has been made by an expert body, we do not find any ground to entertain the present Review Application. The same is dismissed.

(Hemant Gupta, ACJ)

(Chakradhari Sharan Singh, J)

P.K.P.

AFR/NAFR	A.F.R.
CAV DATE	N.A.
Uploading Date	03.12.2016
Transmission Date	

