

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.66 of 2017
Arising out of
Civil Writ Jurisdiction Case No. 13893 of 2016**

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1. Sujata Kumari, Wife of Tuntun Prasad Mahto, Resident of at Kali Ghat, Saray Road, P.O. Bhagalpur City, P.S. Tatarpur, District- Bhagalpur.
 2. Niraj Kumar Sinha, son of Sri Rajesh Prasad Sinha, resident of At- Mushari, Rampur, P.O.- Nath Nagar, District- Bhagalpur.
 3. Kanchana Kumari, Wife Sri Binay Kumar, resident of at Nanhku Mandal Tola, P.O. Durgapur, District- Khagaria.
 4. Divya Rani, Wife of Vijay Kumar, resident of At- Ekania, P.S.- Manshi, District- Khagaria.
 5. Anjali Kumari, daughter of Sachidanand Paswan, Resident of At + P.O. Bhaghipur, P.S. Alamnagar, District Madhepura.
 6. Ashok Bharti, Son of Sri Satyanarayan Paswan, Resident of At P.O. Manpur, Via- Singheshwar, Distirct- Madhepura.

.... Appellant/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. Bihar Public Service Commission, Patna through its Secretary.
4. Chairman, Bihar Public Service Commission, Patna.
5. Ashutosh Ashish, son of Sri Bindeshwar Prasad Yadav, Resident of Rampur, P.O. Rajpur, P.S. Pipra, District- Supaul
6. Chandra Shekhar Kumar, son of Sri Jharkhandi Rajak, R/o- at Khalifabad, P.O. Head Post Office, P.S. Kotwali, District- Bhagalpur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arjun Kumar, Advocate
For the State : Mr. Amrendra Kumar, Advocate
For the B.P.S.C. : Mr. Sanjay Pandey, Advocate



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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 01-05-2017

Delay in filing of the appeal is condoned. I.A. No. 239 of 2017 stands allowed.

2. Appellants' prayer seeking permission to participate in the process of selection for appointment as Assistant Professor has been rejected both by the Bihar Public Service Commission and the competent authority primarily on the ground that the qualification of NET, which is prerequisite under the statute for appointment to the post in question, it is seen that this qualification was acquired by the appellants after the cut off date notified in the advertisement.

3. It is a well settled principle of law that all minimum prerequisite qualifications have to be acquired by a candidate before the cut off date or the date as notified in the advertisement and if no date has been notified, the last date for submission of the application form shall be treated to be the cut off date. In this case, admittedly, the appellants acquired the qualification much after the last date for submission of the application and taking note of the same, the learned Writ Court has dismissed the writ petition after considering the fact that the judgment rendered by the Supreme Court also hold so. In doing so, we are of the considered view that the learned Writ Court



has not committed any error warranting reconsideration.

4. The Letters Patent Appeal is dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	02.05.2017
Transmission Date	

