

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3499 of 2016

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1. Dr. Birendra Kumar Paswan, Son of Sri Parmanand Paswan, Resident of Village - Chhoti Chater, P.S. - Falka, District - Katihar.
 2. Dr. Arun Kumar Sah, Son of Late Ayodhya Prasad Sah, Resident of Village - Sahugarh Tola Janki, Ward No. 3, P.S. - Madhepura, District - Madhepura.
 3. Dr. Binod Kumar, Son of Sri Surya Narayan Mandal, Resident of Village - Murliganj, Ward No. 5, P.S. - Murliganj, District - Madhepura.
 4. Dr. Ran Vijay Kumar, Son of Sri Madan Lal Sah, Resident of Village - Kusaha, P.S. - Bhawanipur, District - Purnea.
 5. Dr. Shweta Sharan, Son of Sri Shambhu Hajari, Resident of Village - Nehru Mohalla, P.S. - Bakhtiyarpur, District - Saharsa. Petitioner/s
- Versus
1. The State of Bihar
 2. Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
 3. Director, Higher Education, Bihar, Patna.
 4. Bihar Public Service Commission, Bailey Road, Patna.
 5. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
 6. University Grants Commission through its Chairman. Respondent/s
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Appearance :

For the Petitioner/s	: Mr. Rajendra Prasad, Sr. Advocate Mr. Pramod Kumar, Advocate
For the Respondent/s	: Mr. AC to GA- 7
For the UGC	: Mr. Deepak Kumar, Advocate
For BPSC	: Mr. SanjayPandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
Date: 11-04-2018

Heard the learned senior counsel for the petitioners
and the learned counsel appearing for Bihar Public Service Public
Commission.

2. Learned senior counsel appearing on behalf of the
petitioners with reference to Annexures- 6 and 8 submits that the
petitioners are entitled to be considered for selection on the post of
Assistant professor, as they have necessary eligibility qualification.
He has referred to Annexure- 11, dated 03.06.2014, the subsequent
clarification issued by the University Grants Commission.



3. In fact this issue was decided earlier by this Court and this Court held out that the subsequent clarification issued by the University Grants Commission is applicable prospectively and in view of subsequent clarification by the University Grants Commission, the petitioners may appear and participate in the subsequent selection process, if undertaken by the competent authority after the clarification of the University Grants Commission in the year 2016.

4. So far as the eligibility criteria followed by the B.P.S.C for selection does not permit the enrollment of the petitioner in 2009 as enough to become eligible for selection in the matter of appointment of assistant Professor. The court does not find any merit in the claim of the petitioners.

5. However, in the subsequent selection process, the authority conducting the selection has to consider the eligibility, which the petitioners have acquired in terms of clarification of UGC.

6. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.04.2018
Transmission Date	

