

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19944 of 2014

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1. Dr. Anil Kumar Son of Sri Ashok Kumar Singh, resident of Private Hata, Bhatha Bazar, Purnea, P.S K.Hat P.O. Bhatha Bazar, Purnea.
 2. Dr. Kumari Vineeta D/O Dr. Ajay Kumar Jha, C/O Dr. Motindra Choudhary, Lalkothi, tetarapur, Bhagalpur,
 3. Dr. Abhay Kumar , son of Sri Satish Chandra Yadav, resident of Sahebganj, Near P.G. Hostel, Adarsh Colony, Sahebganj, Bhagalpur.
 4. Dr. Prerna Kumari wife of Mainal Shankar Daroga Smriti Bhawan, Neelkanth Nagar Colony, near-Airport. P.O. Tilkamanjhi, Bhagalpur.
 5. Dr. Chandan Kumar Singh son of Late Vijay Narayan Singh, resident of village Nitendra (Pipra) P.O. Machhata Via Baysi District-Purnea.
 6. Dr. Kumar Kamal Kanchan son of Late Satya Kumar Singh, resident of village Udit Gram P.O. Sirsiya P.S.B. Kothi, District-Purnea.

.... Petitioner/s

Versus

1. The Chancellor of The Universities of Bihar, Governor Secretariat, Raj Bhawan, Patna.
2. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary Education Department, Govt. of Bihar, Patna.
4. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
5. The Joint Secretary Cum Controller of Examination, Bihar Public Service Commissioner, Bailey Road, Patna.
6. The Tilka Manjhi Bhagalpur University, through it's Registrar.
7. Bhupendra Naryan Mandal University, Madhepura through it's Registrar.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. V.R.P. Singh, Adv. Mr. Mrityunjay Kumar, Adv.
For the B.P.S.C.	:	Mr. Sanjay Pandey, Adv.
For the Respondent/s	:	Mr. Raju Giri, Adv.
For the State	:	Mr. Prashant Kumar, AC to SC-5
For TMB University	:	Mr. Amit Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 01-10-2018

Heard the learned counsel for the petitioners and State
as well as B.P.S.C.

2. The petitioners have challenged the advertisement



issued by the B.P.S.C for the purpose of appointment of Assistant Professor in different subjects.

3. Learned counsel for the petitioners submits that the petitioners have got Ph.D Degree, which is equivalent to NET for the purpose of eligibility. This issue is no more res integra, as the matter was finally decided by the Hon'ble Apex Court in the case of **P. Susheela and Others Vs. University Grants Commission and Others**, reported in (2015) 8 SCC 129.

4. Learned counsel for the petitioners with reference to subsequent clarification issued by the UGC submitted that in view of the subsequent clarification, the Commission is required to consider that the candidature of the petitioners.

5. The Court is of the considered view that the subsequent clarification issued by the UGC after the selection process commenced by the B.P.S.C and the Judgment of the Hon'ble Apex Court in the case of **P. Susheela and Ors.** (Supra) cannot be taken into consideration for considering the eligibility of the Ph.D degree holders in the present selection process. However, in future, if the selection process is undertaken by the competent authority, the petitioners will be eligible for the candidature, as they are holding Ph.D degree equivalent to NET.



6. With the aforesaid, this writ application stand disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05.10.2018
Transmission Date	

