

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 22493 of 2018

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Mithilesh Kumar Yadav, son of Sri Barelal Yadav, Resident of 46-A
Sarswatipuram, Gomatinagar Extension, PS – Gomatinagar, District –
Lucknow (UP)

... .. Petitioner/s

Versus

- 1 The State Of Bihar through Principal Secretary, Education Department,
Bihar, Patna
- 2 The Bihar Public Service Commission through its Chairman, Bailey Road,
Patna
- 3 The Joint Secretary, Controller of Examination of Bihar Public Service
Commission, Bailey Road, Patna
- 4 The Chairman, Bihar Public Service Commission, Bailey Road, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Yogesh Chandra Verma, Sr Advocate with Mr Anuj Kumar, Advocate
For the S t a t e	:	Ms Abhanjali, AC to GA XII
For the B P S C	:	Mr Sanjay Pandey, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 29-11-2018

Heard learned Senior Counsel for the petitioner and the
respondents.

2 Learned Senior Counsel appearing on behalf of the
petitioner submits that the petitioner's application for appointment
to the post of Assistant Professor has been rejected by the
respondent-Bihar Public Service Commission (for brevity, *the*
Commission) in an illegal manner. His submission is that the
rejection suffers from non-application of mind. The authorities
have not examined what is the curriculum of the



Composition/Composite History in Post Graduate (for brevity, *PG*) which the petitioner possesses. It is his submission that only acting on the nomenclature of the petitioner's Degree, his claim has been rejected. The mindless exercise taken by the authorities is also apparent that even the name in the order has been mentioned as *Composition History* instead of *Composite History*. It is another limb of his submission that the Advertisement (*Annexure 5*) did not specify what aspects of History was a requisite qualification for applying for appointment to the post of Assistant Professor, History.

3 In view of such submission, he submits that the rejection of petitioner's application is wholly unsustainable in law.

4 This Court has gone through the Advertisement (*Annexure 5*) published by the Commission for appointment to the post of Assistant Professor. Category-wise/subject-wise, altogether 261 vacancies have been advertised for appointment of Assistant Professors. Petitioner is an applicant for teaching the subject of *History*. The requirement, as per the same, is PG Degree in History. The requirement, as per the Advertisement, is that the petitioner should be having a PG Degree in the subject for which he is applying. The petitioner has submitted a Degree from the Lucknow University. The Degree is of Master of Arts in



“*Composite History*”. The Lucknow University, by issuing a certificate on 24.12.2016, has itself clarified that Composite History only comprises of Medieval and Modern History. It is submitted by the learned counsel for the State that from the certificate issued by the University, which has granted the Degree to the petitioner, the case of the petitioner, admittedly, is that Ancient History was not a part of the subject “*Composite History*” in which he has obtained the PG Degree. Since the degree of the petitioner is not History and is not comprising of *Ancient History*, his candidature cannot be considered at par with those having PG Degree in History where Ancient History is also studied along with Medieval and Modern History.

5 Such submission of the respondent-Commission appears to be wholly correct. When, admittedly, the petitioner’s Degree, as certified by the Lucknow University, is only in respect of Medieval as well as Modern History, he has no PG Degree in Ancient History. Petitioner’s degree is, thus, different from a degree in History and, therefore, has consciously been named as “Composite History” and not History. History includes Ancient, Medieval and Modern History.

6 In view of the said submission, the eligibility of the petitioner has rightly been found to be less than required in the



Advertisement and the rejection of the petitioner’s candidature does not require any interference. The fact that in the rejection order, instead of *Composite History*, the Commission has recorded *Composition History* cannot inure any benefit to the petitioner, since as per the certificate issued by the Lucknow University, his Degree is not in respect of *History*, but “*Composite History*”.

7 The petitioner has not been able to make any enforceable claim that his Degree in Composite History shall be considered at par with History which includes Ancient, Medieval as well as Modern History.

8 The writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2018
Transmission Date	NA

