

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7273 of 2020

Prashant Bhashkar, son of Radhe Prasad, resident of Aghoria Bazar, Post Office-Ramna, Police Station-Kazi Mohammadpur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Deputy Secretary, Education Department, Government of Bihar, Patna.
3. The Chairman, Bihar Public Service Commission.
4. The Secretary, Bihar Public Service Commission.
5. Sri Rajeev Ranjan (Examination Roll No. 202069), Son of Ram Vilas Mahto, Resident of Village-Hawaspur (Badi), Post Office-Mansurchak, Police Station-Mansurchak, District-Begusarai.
6. Ramashankar Prasad, son of Late Nandlal Ram Resident of Village- Chhato, Post Office- Tatrevan, Police Station- Manpur, District- Nalanda, PIN- 803101.
7. Babita Kumari, daughter of Sri Jai Mangal Sah Resident of New Colony, Ward No.09, Post Office and district- Saharsa, PIN- 852201.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Basant Kumar Chaudhary, Sr. Advocate Mr. Parijat Saurav, Advocate
For BPSC	:	Mr. Sanjay Pandey, Advocate Mr. Nishant Kumar Jha, Advocate
For Resp Nos. 6 & 7	:	Mr. Prince Kumar Mishra, Advocate
For the State	:	Mr. Jai Prabhat Kishore, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 08-03-2021 Heard Mr. Basant Kumar Chaudhary, learned senior counsel appearing on behalf of the petitioner, Mr. Sanjay Pandey, learned counsel for the B.P.S.C and Mr. Prince Kumar Mishra, learned counsel for the respondent Nos. 6 and 7.



In the present writ application, the petitioner is aggrieved by the exclusion of the candidature of the petitioner for appointment as Lecturer (Physics) in Government Teachers Training Colleges.

The grievance of the petitioner is that the petitioner has passed B.Sc (Physics) with 67.25 percent and M.Sc.(Electronics) with 74.25 percent marks. The petitioner has also completed his B.Ed and M.Ed. Degree respectively. He belongs to the E.B.C category, as such, the B.P.S.C acted arbitrarily in excluding the case of the petitioner for appointment on the post of Lecturer (Physics) as M.Sc. (Electronics) is the allied subject of physics and at the relevant time, the State Government has clarified that Physics with Electronics shall be treated as allied subject and equivalent of physics in the matter of appointment of Lecturer (Physics).

Mr. Chaudhary, learned senior counsel for the petitioner has submitted that petitioner was considered for appointment as Physics Teacher in Higher Secondary



School with his qualification as M.Sc. (Electronics). He submits that in the entire country, no institution provides M.Sc (Physics) with electronics and therefore, Annexure-G to the counter affidavit filed on behalf of the Bihar Public Service Commission should be construed as Electronics with Physics and in that view of the matter, exclusion of the case of the petitioner from the zone of consideration is an arbitrary exercise of power and as such, the petitioner reserves consideration of his case for appointment as Lecturer (Physics) in Government Teachers Training Colleges under E.B.C category.

Mr. Sanjay Pandey, learned counsel appearing on behalf of the B.P.S.C has drawn attention of this Court to the advertisement, Annexure-2 of the counter affidavit. From perusal of Annexure-2, it will become clear that the subject notified for appointment is Physics. He further submits that the clarification is Physics with Electronics and not Electronics with Physics. The petitioner may be well qualified for appointment as



Physics Teacher in the Higher Secondary School but in terms of the advertisement and the clarification attached, the petitioner who does not belong to physics stream and whose main subject was not M.Sc. in Physics cannot claim that he is qualified for being considered for appointment of Lecture (Physics) in Government Teachers Training Colleges.

Mr. Prince Kumar Mishra, learned counsel appearing on behalf of the respondent Nos. 6 and 7 submits that the petitioner from his own disclosure, Annexure-1 has made it clear that he has done M.Sc. in Electronics and not in Physics or Physics-cum-Electronics.

Considering the rival submissions of the parties and also considering the respective terms of the advertisement and the clarification furnished, this Court is of the considered view that petitioner was not answering the eligibility in terms of the advertisement and the clarification Annexure-G and there is no



arbitrariness on the part of the B.P.S.C in not considering the case of the petitioner for appointment as Lecturer (Physics) in Government Teachers Training College.

In view of the above, this Court does not find any merit in the writ application. The writ application stands dismissed.

(Anil Kumar Upadhyay, J)

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