

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4148 of 2022

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1. Ravindra Prakash Kiran Son of L.B. Rajak, Resident of Hirachak, P.O. - Anisabad, P.S. - Gardanibagh, District - Patna, Bihar- 800002.
 2. Rajeev Dev Ranjan Son of Professor Ramdeo Mahto, Resident of Nirala Nagar, Kolhua, Paigambarpur, Bairya, P.S. - Ahiyapur, District - Muzaffarpur, Bihar - 843108.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Science and Technology, Visvesvaraya Bhawan, Bailey Road, Patna, Bihar - 800001.
3. The Joint Secretary, Department of Science and Technology, Visvesvaraya Bhawan, Bailey Road, Patna, Bihar - 800001.
4. The Director, Department of Science and Technology, Visvesvaraya Bhawan, Bailey Road, Patna, Bihar - 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kumar Kaushik, Adv.

For the Respondent/s : Mr.Kameshwar Prasad Gupta (Gp 10)

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 11-04-2022 Heard the parties.

Learned counsel for the petitioners submits that in earlier round of litigation before this Court, the respondents were restrained to act upon the advertisement for making a contractual appointment on the post, which are petitioners were holding in contractual capacity.

Learned counsel for the petitioners submits that thereafter the petitioners were required to be



continued as contractual basis. However, vide impugned order dated 16.01.2020, the petitioners were two in number along with others were considered for extension of their contractual services. However, it was noted that the petitioners do not possess the requisite M.Tech degree and the qualification of M.Tec acquired by them is by way of distance mode.

Learned counsel submits that the respondents could not have examined the petitioners qualification afresh as they were old Lecturers working since long in ad hoc capacity and could be dis-continued only on availability of regular stated candidates.

I have considered the submission, admittedly, a person can be appointed as an Assistant Professor provided he/she holds M.Tech degree on regular basis giving for ad-hoc/contractual appointments. The qualifications have to be the same and there can be no compromise with regard to the additional qualification. Admittedly, the petitioners did



possesses B.Tech which was earlier the qualification for appointment as Assistant Professor, but as on the date, the qualification for Assistant Professor is minimum M.Tech.

Keeping in view, that the petitioners have obtained M.Tech degree by distance mode, which already stands de-recognized. The petitioners cannot be allowed to continue on the said post of Assistant Professor, even on contractual basis as they do not possess the minimum qualification as of law.

In view thereof, the writ petition is misconceived and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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