

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1389 of 2018

=====

Himanshu Priyadarshi S/o Manoj Kumar R/o Nepali Nagar, Ashiyana, Nagar,
P.S.-Rajiv Nagar, Distt-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Science & Technology, Govt. of Bihar, Patna
2. The Chairman, Bihar Public Service Commission, Bailey Road, Patna
3. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Samrendra Kumar Jha, Adv.
For the State	:	Mr. Manish Kumar, AC to AAG-6
For the Respondent/s	:	Mr.Pushkar Narayan Shahi -Aag6
For the BPSC	:	Mr. Sanjay Pandey, Adv. With Mr. Nishant Kumar Jha, Adv.

=====

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

5 05-07-2022

1. Heard the parties.

2. The petitioner by way of this writ petition prays that he should be considered for appointment on the post of Assistant Professor in Electrical/ Electronic Engineering/ Technology as the petition did his B.Tech from Electrical/Electronic Engineering/Technology and thereafter has also done his M.Tech in Solid State Electronic Materials, which is part of Electrical and Electronics subject.

3. Learned counsel submits that the petitioner participated in the entire selection process and at the time of final result, the petitioner was ousted, wherein it is stated that

the petitioner has not done Engineering in the M.Tech in relevant subject.

4. Learned counsel submits that there is no detail of the relevant subject mentioned in the advertisement or at any other place. Since the petitioner did his B.Tech and then he has done M.Tech in Electrical and Electronics field, therein Solid State Electronic Materials is also a subject of M.Tech, the respondents could not have denied benefit of selection as a students, who has passed M.Tech in Electrical and Electronics subject.

5. Per contra, learned counsel appearing for the B.P.S.C. submits that in Advertisement it is specifically mentioned that a candidate must have B.E/B.Tech and M.E./M.Tech in relevant branch with first class for equivalent. Thus, the branch has to be same at the graduate level and at the post graduate level since the petitioner has shifted from Electrical and Electronics branch to Solid State Electronic Materials. The same cannot be said to be in confirmation with the conditions laid down in the Advertisement and, therefore, his candidature was cancelled.

6. Learned counsel submits that the cancellation of a candidate candidature can be done at any stage and principle of

estoppel would not lie.

7. I have considered the submissions of the learned counsels, while petitioner may have done M.Tech course in Solid State Electronic Materials, which can be done only by candidates, who have done B.Tech from Electrical and Electronics Engineering field, but it cannot be said that subject of Electrical and Electronics Engineering is same as Solid State Electronic Materials. No such equivalence has come on record.

8. In view thereof, the denial of candidature to the petitioner, for the post of Assistant Professor, in the subject of Electrical and Electronics Engineering does not warrant any interference.

9. The writ petition is misconceived and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item no. 1389

U			
---	--	--	--