

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1560 of 2021

In
Civil Writ Jurisdiction Case No.8940 of 2020

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1. Dr. Sumit Saurav S/o-Ajeet Kumar Srivastava, Resident of Bhuneshwa Shadan Sri Krishna Nagar, Motihari P.S.-Motihari (Town) Distt.-East Champaran.
 2. Dr. Rajesh Kumar Prajwal S/o-Dinanath Goswami Resident at Bangle Shop Arwal P.S.-Arwal Distt.-Arwal.
 3. Dr. Basant Kumar S/o-Vijay Prasad Resident of Village-Majoirganj P.S.-Majoirganj Distt.-Sitamarhi
 4. Dr. Arvind Kumar S/o-Ram Lakhan Sao Resident of Village-Motipur P.S.-Kurtha Disst.-Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar Namely Sri Tripurari Sharan, S/o-Not Known
2. The University Grant Commission through its Chariman New Delhi Prof, Dharendra Pal Singh, S/o-not Known.
3. The Chairman University Grant Commission New delhi Namely Prof. Dharendra Pal Singh, S/o-Not Known.
4. The Joint Secretary University Grant Commission New Delhi Namely Smt. Manju Singh, H/o-Not Known.
5. The Bihar State University Service Commission through the Chairman Buddha Marg Patna Namely Prof. Raj Bardhan Azad, S/o-Not Known.
6. The Chairman Bihar State University Service Commission Buddha Marg Patna Namely-Prof. Raj Bardhan Azad S/o Not Known.
7. The Secretary BIhar State University Service Commission Buddha Marg Patna Namely Sh. Durganand Jha, S/o-Not Known.
8. The Principal Secretary Human Resource Department Govt. of Bihar. Namely Sanjay Kumar, S/o-Not Known.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Mukesh Kumar No1, Advocate
For the Opposite Party/s :	Mr. Prabhakar Jha (Gp27)
	Mr. Umesh Narayan Dubey, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 02-02-2022

Heard Mr. Mukesh Kumar No. 1, learned
Advocate for the petitioners and Mr. Umesh Narayan
Dubey for the State.



This petition has been filed for initiating contempt against the respondents for not having obeyed the orders passed by this Court on 09.03.20221 in CWJC No. 8940 of 2020.

The petitioners had claimed that it was not appropriate not to include the "*Women Studies*" in advertisement as one of the allied subjects of the core subjects viz. History or Social Science, for the appointment of Professors.

The claim was rested on the legitimate expectation of such persons who had acquired higher education in the subject "*Women Studies*" which is a recognized subject in many universities and departments of the Government.

The learned counsel for the petitioners had also pointed out that there has been a precedent of candidates with master's degree in Humanities having been allowed to appear for the subject "*Women Studies*" as this subject is included in the list of NET subjects.

This Court found that the issue could best be left to the wisdom and experience of the subject experts of UGC and no mandamus can be issued to the authorities to include a particular subject in the list of allied subjects.

However, acceding to the request of the petitioners therein, this Court had observed that in case a



suitable representation is made before the Principal Secretary, Department of Education, Government of Bihar with regard to the legitimate expectations of persons having acquired degree in "*Women Studies*", for its inclusion in the ongoing process of appointment, such representation shall be considered appropriately, preferably within a period when the selection process was still continuing.

It appears from the show-cause reply that the Director, Higher Education has by communication dated 01.12.2021 has rejected such request of the petitioner holding that in the public notice of UGC, it has been declared that equivalence of degrees, diplomas, certificates etc. are not determined by the UGC but in case of higher education, equivalence is decided by the university concerned and in cases of employment, promotion etc. equivalence is decided by the employer organization.

The Assistant Lecturers are being appointed under the recommendation of Bihar State University Service Commission and before such advertisement was issued, the core subjects and allied subjects were decided. "*Women Studies*" as a subject was not considered for being included in the list of allied subjects for the post of Assistant Lecturers.



Considering the aforesaid decision of the Government and the order issued by the Director, Higher Education, there is no justification for keeping this contempt petition pending.

No contempt appears to have been made out of the order dated 09.03.2021.

However, the petitioners would be at liberty to approach and agitate before the relevant quarters for inclusion of "*Women Studies*" as a subject, either core or allied as the case may be, and if he is aggrieved by the aforesaid decision of the Director, Higher Education, that could also be challenged, if considered appropriate, in an appropriate forum.

The petition is dismissed.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.02.2022
Transmission Date	

