

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18795 of 2018

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Nirpendra Kumar Sinha Son of Sri Yogendra Kumar Sinha Permanent Resident of Village- Videshi Tola, P.S. Thawe, District- Gopalganj.

... .. Petitioner/s

Versus

1. The Bihar Public Service Commission through its Secretary 15 Jawaharlal Nehru Marg, Bailey Road, Patna.
2. The Joint Secretary-Cum-Examination Controller, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna.
3. The Vice-Chancellor, Chhatrapati Sahu Jee Maharaj University, Kanpur U.P..
4. The University Grant Commission through its Secretary, Bahadur Sah Zafar Marg, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Srivastava, Advocate
For the Respondent/s	:	Mr. Sanjay Pandey
For the BPSC	:	Mr. P.K. Shahi, Sr. Advocate
		Mr. Vikash Kumar, SC-11
For the UGC	:	Mr. Deepak Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 29-01-2022

Heard Mr. Ranjan Kumar Srivastava, learned Advocate for the petitioner and Mr. P.K. Shahi, learned Senior Advocate for the BPSC assisted by Mr. Vikash Kumar, SC-11. The UGC is represented by Mr. Deepak Kumar, learned Advocate.

The petitioner is aggrieved by the fact that he was not allowed to appear in interview held between 11.09.2018 to 15.09.2018 for Assistant Professor in the stream of Sociology against Advertisement No. 58/2014 on the ground that his marks was less than the cut-off



marks for the general category candidates for the subject Sociology.

It is the contention of the petitioner that his Ph.D. degree from Chatrapati Sahu Jee Maharaj University, Kanpur is in accordance with the UGC Regulation of 2009 and since the petitioner is also NET qualified, he deserved to be marked ten (10) for the aforesaid Ph.D. degree. The petitioner unfortunately, it has been urged, was marked only five (5) as his Ph.D. of 2007 was not considered to be in consonance with Regulation of 2009; notwithstanding the fact that all the five criteria which forms part of Regulation 2009 was fulfilled by the petitioner.

It has also been contended that the University has given an amended certificate that the petitioner has passed the Ph.D. examination in the year 2007, which is in consonance with the 2009 Regulation of UGC.

Additionally, it has been argued that one Ashok Kumar in the stream of Economics was called for interview even though he had obtained Ph.D. before 2009 from the same University.

In support of the aforesaid contention, Mr. Srivastava has drawn the attention of this Court to the case of Nitu Kumari in which an order has been passed on 14.08.2020 in CWJC No. 7905 of 2019.

The facts of the case of Nitu Kumari is substantially different from this case. Nitu Kumari was had



Ph.D. degree in consonance with 2009 Regulation of UGC, which certificate had been awarded by the Ranchi University. She may not have had passed the NET examination but since exemption from passing the NET examination was granted to all such Ph.D. candidates who had acquired that degree in consonance with 2009 UGC Regulation, there was no necessity for seeking any NET certificate in case of Nitu Kumari.

The case of the petitioner is different as noted above.

The petitioner is a Ph.D. degree holder of the year 2007, which is much prior to the Regulation 2009 having come in existence. Precisely for this reason, he has been marked five for his Ph.D. degree being prior to 2009 Regulation of the UGC.

The marks of the petitioner was below the cut-off percentage and therefore he was not called for the interview. The statement with respect to another candidate viz. Ashok Kumar in the subject of Economics was verified by the counsel for the BPSC. It has been submitted by way of supplementary counter affidavit that aforesaid Ashok Kumar had represented that his degree of Ph.D. was in line with the 2009 Regulation of UGC but later when he was asked to produce his M.Phil/Ph.D. certificate, he never turned up.



Thus, the reference of the case of Ashok Kumar by the learned counsel for the petitioner is not relevant for the purposes of deciding the case of the petitioner.

There is no anomaly in the marks given to the petitioner for his Ph.D. degree of 2007.

It was vehemently urged by the learned counsel for the petitioner that merely because the Ph.D. degree of the petitioner has been awarded in the year 2007, that would not *ipso facto* and necessarily make it fall foul of 2009 Regulation. What is required to be seen, it has been argued, is whether the petitioner has fulfilled the criteria which is there in 2009 Regulation while obtaining the Ph.D. degree.

This Court is afraid, such argument is not tenable for the reason that it has now been well settled that the UGC Regulation in that regard has the concurrence of the Central Government.

In that view of the matter, no interference is required and the petition is dismissed.

No order as to costs.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.02.2022
Transmission Date	

