

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2202 of 2021

1. Dr. Bibha Kumari, D/o Late Sada Nand Jha at present working as Guest Faculty/Part Time Teacher Department of Zoology Magadh Mahila College, Patna University Patna Resident of F/No.-203, Shipra Shubham Apartment Tilak Marg, North S.K. Puri, Patna, Bihar.
2. Swati Sourav, D/o Maharaja Sudhindra Gandharva, at present working as Guest Faculty/Part Time Teacher Department of Sociology Patna University, Patna resident of 74, Police Station Surajpura Gosal Dih, District Rohtas-Bihar.
3. Dr. Arti Rani, Wife of Rajesh Kumar Ranjan at present working as Guest Faculty/Part Time Teacher Department of Sociology Patna University, resident of Village Mahmampur Deopar P.S. Pusa, District Samastipur, Bihar.
4. Dr. Archana Kumari, Wife of Kaushlendra Kumar, at present working as Guest Faculty/Part Time Teacher Department of Sociology, Magadh Mahila College, Patna University, resident of Dr. Nand Kishore Gali No.-1, Postal Park, Phulwari, District Patna, Bihar.
5. Supriya Rani, Wife of Shailendra Kumar Mandal, at present working as Guest Faculty/Part Time Teacher Department of Physics Magadh Mahila College, Patna University resident of Flat No -303 Type-4, National Institute of Technology Campus Ashok Rajpath, District-Patna, Bihar.
6. Dr. Md. Ashraf, Son of Mushtaque Ansari at present working as Guest Faculty/Part Time Teacher Department of History Patna College, Patna University resident of Khalipura F.C.I. Road Phulwari Sharif, District Patna, Bihar.
7. Dr. Aman Kumar, Son of Rajniti Prasad Yadav, at present working as Guest Faculty/Part Time Teacher Department of Physics, Patna Science College, Patna University resident of Awas Board Ranko, District Khagaria, Bihar.
8. Dr. Jagannath Panjiyar, Son of Jivach Panjiyar, at present working as Guest Faculty/Part Time Teacher Department of Physics, Patna Science College, Patna University resident of Ward No. 14, J.P. College, District Madhubani, Bihar.
9. Dr. Rajesh Kumar, son of Birendra Prasad, at present working as Guest Faculty/Part Time Teacher Department of History, Patna University resident of Flat No. 102 Block D Patligram Apartment Shaheed Bhagat Path Road No. 3 Bajrangpuri, Gulzarbagh, Patna, Bihar.
10. Praveen Kumar Vishwakarma alias Praveen Kr. Vishwakarma, Son of Sita Ram Vishwakarma, at present working as Guest Faculty/Part Time Teacher Department of Physics, B.N. College, Patna University, resident of Village Nawadih, P.S. Jamua, District -Giridih, Jharkhand.
11. Dr. Manoj Kumar, Son of Ram Naresh Prasad Rai at present working as Guest Faculty/Part Time Teacher Department of Mathematics Magadh Mahila College, Patna University, resident of Saray Saho Ward No. 15, Parsa Saidpur, District Saran, Bihar.
12. Dr. Kunwar Bijendra Pratap Rahi, Son of Om Prakash Prasad, at present working as Guest Faculty/Part Time Teacher Department of Geology, Patna



University, resident of 18/C Baulia Road, Pratapganj Sasaram Rohtas, Bihar.

13. Krishna Kant Dwivedi, Son of Chandra Bhushan Dwivedi, at present working as Guest Faculty/Part Time Teacher Department of Physics Patna Science College, Patna University, resident of 406 Ghat Road Lanka Bhagawanpur Varanasi, Uttar Pradesh.
14. Dr. Hemant Kumar, Son of Bateshwar Paswan, at present working as Guest Faculty/Part Time Teacher Department of MSW Patna University, resident of Mansi aralya District Khagaria, Bihar.
15. Dr. Vidhyanand Vidhata, Son of Parmanand Yadav, at present working as Guest Faculty/Part Time Teacher Department of History Patna University, resident of Village-Rani Patti West Madhepura, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Higher Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Higher Education, Government of Bihar, Patna.
3. The Joint Secretary Department of Higher Education, Government of Bihar, Patna.
4. The Bihar State University Service Commission Patna, Bihar through its Secretary.
5. The Chairman Bihar State University Service Commission Patna, Bihar.
6. The Chancellor Universities of Bihar, Raj Bhawan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sujit Kumar Singh, Adv.
For the State	:	Mr. Arvind Kumar, AC to GP-23
For Chancellor (Respondent no.6)	:	Mr. R.K. Giri, Adv.

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

ORAL ORDER

2 20-06-2022 The case is being taken up from defect side.

Learned counsel for the petitioners is directed to submit the original petition along with attested affidavits and also remove all the defects pointed out by the Registry within two weeks from today.



The petitioners are Guest Faculty Teachers/Assistant Professors working in various Universities. An Advertisement has been issued on 23rd September, 2020 for regular appointment for the post of Assistant Professors.

The petitioners by way of this writ petition prays for granting additional points/preference for appointment under the said Advertisement.

Learned counsel for the petitioners submits that the petitioners have been working since long as Guest Faculty Teachers and their appointment was made with the sole purpose to improve the quality of teaching of the Universities. Once the petitioners have been able to perform the duty, resulting in the Universities performing well, the petitioners and similarly placed Guest Faculty Teachers ought to be granted bonus marks or given preference for regular appointment.

Learned counsel also relies on the decision taken by the Haryana Government as well as other places in State where Guest Faculty Teachers have been regularised.

I have considered the submission conditions which can be mentioned in an Advertisement for recruitment are in the exclusive domain of the administrative departmental authority. A judicial review of an Advertisement relating to its condition is



minimal. Interference can be only made, if there is discrimination or any illegality is pointed out.

However, demanding for incorporating an additional condition for selection like bonus number or preference in an Advertisement cannot be a subject matter of judicial review. The petitioners would be always free to take up the remedy of representation and claim before the administrative authorities and discretion lies with them alone. However, this Court in writ jurisdiction would not interfere in an Advertisement with certain conditions of selection, nor can instructions be issued for giving additional benefit to Guest Faculty Teachers merely because have been performing duties with the Universities.

In view of the above, this Court finds that the writ petition is misconceived and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 23

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