

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2597 of 2021

1. Kumari Nutan Sinha, Female, aged about 47 years, Wife of Ranjeet Singh, Resident of M/02 Rekha Mansion, Kankarbagh, Sampatchak, P.O. Kankarbagh, P.S. Kankarbagh, District-Patna, Pin Code 800020.
2. Nirupa Kumari, Female, aged about 44 years, Wife of Rajeev Kumar, Resident of Kasturba Nagar, Sandalpur, Sultanganj Mahendru, behind Sampatchak, P.O. Sandalpur, P.S.-Sultanganj, District-Patna, Pin Code 800006.
3. Abhay Kumar, Male, aged about 31 years, Son of Dinanath Ray, Resident of Chandpura Apahar, Saran, P.O. Apahar, P.S.-Saran, District-Saran, Pin Code 841402.
4. Nitin Kumar, Male, aged about 38 years, Son of Late Ramdhani Choudhary, Resident of Kali Kuti, Bagh Bhoop Singh Lane, Alamganj, P.O.-Gulzarbagh, P.S.-Alamganj, District-Patna, Pin Code 800007.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Advocate
For the Respondent/s : Mr. Subhash Chandra Mishra, SC 16

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 12-04-2022



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, if any.

A wholly frivolous petition has been filed before this Court by so called aspirants who want to participate in the selection process for appointment on the post of Assistant Professor. It is claimed by them that the equivalence granted by the Bihar State University Service Commission, Patna to subjects equivalent to subject of Botany ought not allowed and only Botany as a singular subject should be allowed as qualification for participating for the post of Assistant Professor.

A look at the schedule to the advertisement shows the candidates who have obtained post graduation in Microbiology, Biotechnology, Biochemistry, Bio Science, Environmental Science, Genetics and Molecular Biology have been treated as qualified for participating in the selection process and applying for the post of Assistant Professor Botany by the Bihar State University Service Commission, Patna by issuing advertisement dated 21.09.2020.



The petitioners want this Court to examine the curriculum as laid down for teaching subject of Botany at the post graduate level and under graduate level and to give a finding that candidates who have pursued the said courses would not be able to teach the students the subject of Botany.

At the outset, it may be noticed that scope of writ jurisdiction though may be understood by a litigant to be as wide as the pacific ocean or for that matter the world around, still it is for this Court to examine its own limitations and remain within the frame work of the administrative scope of adjudication of dispute while exercising power of judicial review.

The question regarding what should be the subjects and courses equivalent to a particular subject and the question with regard to the subjects which may be allowed to be treated as sufficient for applying for a particular post if an arena within executive domain of the concerned employing agency. It is a purely academic aspect which would therefore, remain outside the domain of judicial review. Such aspects, therefore, need not be gone into in the writ petition.

The petitioners have not been able to show as to what right of their has curtailed by respondents while mentioning the said subjects as equivalent to Botany.



As the petition is wholly to be frivolous and the attempt to waste the precious time of the Court, with a huge pendency, the same is accordingly, dismissed with cost of Rs. 10,000/- on each of the petitioners.

The amount is to be deposited with the Bihar State Legal Services Authority, Patna and if the said amount is not deposited, the same shall be recovered in accordance with law.

(Sanjeev Prakash Sharma, J)

Anand Kr.

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CAV DATE	
Uploading Date	
Transmission Date	

