

Vinay Kumar Son of Shri B.N. Mahto Resident of Village-Pusa, P.O.-Pusa,
P.S.-Pusa, District-Samastipur.

Versus

1. The State of Bihar through Principal Secretary, Agriculture Department, Bihar, Patna.
2. Bihar Agricultural University, Sabour, Bhagalpur through its Registrar.
3. Vice Chancellor, Bihar Agricultural University, Sabour, Bhagalpur.
4. Director, Administration, Bihar Agricultural University, Sabour, Bhagalpur.
5. Dean, Bihar Agricultural University, Sabour, Bhagalpur
6. Registrar, Bihar Agricultural University, Sabour, Bhagalpur

... .. Respondent/s

For the Petitioner/s : Mr. Abhinav Srivastava, Adv.
For the Respondent 2 to 6 : Mr. Sriram Krishna, Adv.

ORAL ORDER

2. Learned counsel for the petitioner submits that before joining as Assistant Professor cum Junior Specialist on 30th May 2015, the petitioner was working as a subject matter specialist in soil sciences since 11.06.2009 and had almost 5



years of experience before he joined the post of Assistant Professor cum Junior Scientist.

3. Learned counsel submits that for the purpose of registration of Phd, the service of subject matter specialist ought to have been considered in continuity subsequently as an Assistant Professor. He has taken this court to the guidelines for candidates applying for faculty development programme of Bihar Agricultural University which provides as under:

“ 4. The selection will be made on Seniority-cum-Merit basis. Two marks for each completed years of service after four years of eligibility period as a teacher or equivalent post will be given in the experience head with a maximum of 20 marks. Past services in the capacity of Teacher or equivalent post in other University shall also be counted towards computation of marks for experience only.”

4. The learned counsel submits that the petitioner had made a representation to the authorities relying on the said provisions, however, the respondents did not consider the said aspect and again rejected the prayer for reconsideration on the ground that the Director of Administration has written a letter that prior service of SMS would not be counted for getting seniority for further consideration.



5. Learned counsel submits that the order of Director was contrary to the provisions. The petitioner as subject matter specialist is also conducting research. He also submits that the faculty development programme is continuing and to that effect additional affidavit has been filed before this court.

6. Learned counsel appearing for the University submits that the case of the petitioner can be considered now after the clarification having been issued with regard to including subject matter specialist also and experience gained thereto for the purpose of registration for Phd.

7. Learned counsel for the University submits that the if petitioner applies again he will be considered for the programme.

8. I have considered the submissions. In the opinion of this court, the petitioner cannot be left at the mercy of the University now. It has been almost four years that the petitioner has been trying to get himself registered for Phd. It is a case where a candidate having already done five years of service as a subject matter specialist joined as a Assistant Professor in the said University and he has been denied to pursue Phd course on grounds which are found to be wholly frivolous and baseless. Interpretation contrary to the provisions has been taken to deny



him his rightful claim for registration. As is observed above, twice clarification has already been issued that experience gained as subject matter specialist was also required to be counted.

9. Keeping in view as above, considering that he has almost five years of service experience as subject matter specialist and now he has also remained as an Assistant Professor for over seven years, it is now directed that the petitioner shall be allowed to be registered for the Phd purpose and he will be allowed to proceed with his Phd programme without any further hindrance.

10. The writ petition is accordingly allowed.

(Sanjeev Prakash Sharma, J)

Sachin/shaswat
Item No. 58

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