

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1652 of 2018

In

Civil Writ Jurisdiction Case No.17681 of 2015

-
-
1. Punit Kumar Son of Shree Sohan Lal Resident of Awadh Niwas, Bank Road, P.O.- Motihari, P.S.- Chhatauni, District- East Champaran, Bihar.
 2. Ajeet Kumar Son of Shri Raghunath Prasad Resident of Ambikanagar Nahar Road, Near Paramba Press, P.S.- Banjaria, District- Motihari (East Champaran), Bihar.

... .. Appellant/s

Versus

1. The State Of Bihar through its Principal Secretary.
2. The Hon'ble Chancellor, Universities of Bihar, Patna.
3. The Bihar Public Service Commission through its Chairman, Jawaharlal Nehru Marg, Patna, Bihar.
4. The Secretary, The University Grant Commission, Bahadur Sah Zafar Marg, New Delhi- 110002.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 20-07-2022 Heard learned counsel for the parties.

In the instant appeal, appellants have questioned the validity of the order dated 25.10.2018 passed in C.W.J.C. No. 17681 of 2015.

On 13.07.2022, following order was passed:

“Heard learned counsels for the parties.

One of the issue involved in the present appeal is whether Masters in Political Science and



Masters in Public Administration are equivalent subjects or not?

Recently Apex Court in the case of ***Devender Bhaskar and Others vs. State of Haryana and Others*** reported in **2021 SCC Online SC 1116, Para 25** held that Court should not interfere and determine any of the qualification to that of some other qualification as equivalent. Paragraph 25 of Apex Court's decision in ***Devender Bhaskar and Others vs. State of Haryana and Others*** reported in **2021 SCC Online SC 1116** reads as under:

“In *Zahoor Ahmad Rather v. Sheikh Imtiyaz Ahmad*, it was held that the State, as an employer, is entitled to prescribe qualifications as a condition of eligibility, after taking into consideration the nature of the job, the aptitude required for efficient discharge of duties, functionality of various qualifications, course content leading up to the acquisition of various qualifications, etc. Judicial review can neither expand the ambit of the prescribed qualifications nor decide the equivalence of the prescribed qualifications with any other given qualification. Equivalence of qualification is a matter for the State, as recruiting authority, to determine.”

Re-list this matter on 20.07.2022.”

Today learned counsel for the appellants could not apprise any judicial pronouncement that the Courts are



empowered to determine any qualification equivalent to any other similar qualification. In the absence of any latest judicial pronouncement relating to aforesaid subject, the present petition stands dismissed in the light of Apex Court decision in the case of *Devender Bhaskar and Others vs. State of Haryana and Others* reported in **2021 SCC Online SC 1116, Para 25.**

(P. B. Bajanthri, J)

(Rajiv Roy, J)

GAURAV S./-

U			
---	--	--	--

