

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.161 of 2019

In

Civil Writ Jurisdiction Case No.22 of 2016

1. Laxmi Kumari, Wife of Shri Somnath Mishra, R/o Vill- Tatuvar, P.S. Manigachhi, District- Darbhanga

2. Medhakar Jha, Son of late Jagdeo Jha, Resident of Village- Bharatpur, P.S. Chhatwan, P.S. Keoti, District- Darbhanga,

... ... Appellant/s

Versus

1. Bihar Public Service Commission through its Secretary and Ors 15 Bailey Road, Patna

2. The Chairman, Bihar Public Service Commission, 15, Bailey Road, Patna

3. The Secretary, Bihar Public Service Commission, 15, Bailey Road, Patna

4. The Joint Secretary-Cum-Examination Controller, Bihar Public Service Commission, 15, Bailey Road, Patna

5. The State of Bihar through the Chief Secretary, Government of Bihar, Patna

6. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna

7. Kumari Sandhya, Roll No. 48010420 through the Secretary 15, Bailey Road, Patna

8. Amitabh Chakravarti 48010408 through Secretary, Bihar Public Service Commission 15, Bailey Road, Patna

9. Abhilsha Kumari 48010082 through Secretary, Bihar Public Service Commission 15, Bailey Road, Patna

10. Raj Kumar Roy 48010376 through Secretary, Bihar Public Service Commission 15, Bailey Road, Patna

11. Lal Babu Sahani 48010036 through Secretary, Bihar Public Service Commission 15, Bailey Road, Patna

12. Sweety Kumari 48010118 through Secretary, Bihar Public Service Commission 15, Bailey Road, Patna

13. Manju Kumari 48010055 through Secretary, Bihar Public Service Commission 15, Bailey Road, Patna

14. Krishna Mohan Thakur 48010205 through Secretary, Bihar Public Service Commission 15, Bailey Road, Patna

15. Nantun Paswan 48010009 through Secretary, Bihar Public Service Commission 15, Bailey Road, Patna

16. Satyendra Kumar Jha 48010031 through Secretary, Bihar Public Service Commission 15, Bailey Road, Patna
17. Poonam Jha Wife of late Prashant Kr. Jha Reisdent of 101, Laxmi Palace, Exhibition Road, Patna
18. Raman Kumar Jha Son of late Jitendra Naryan Jha Resident of D- 104, Prasad Apartment, Sanjay Nagar, Road No. 6, Kankarbagh, P.S. Patrakar Nagar, District- Patna-26

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gajendra Kumar Jha, Advocate Mr. Sushil Kumar Jha, Advocate Mr. Suryakant Mishra, Advocate
For the State	:	Mr. Shashi Shankar Tiwary, AC to AAG13
For the BPSC	:	Mr. Sanjay Pandey, Advocate Mr. Nishant Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 02-02-2023

In the instant LPA, the appellant has assailed the order of the learned Single Judge dated 11.09.2018 passed in CWJC No. 22 of 2016.

2. Appellant and others were candidates for recruitment to the post of Assistant professor. Appellant was an unsuccessful candidate, in the result he has presented CWJC No. 22 of 2016 in questioning the selection and appointment of respondent Nos. 7 to 17. In order to ascertain as to whether appellant is more merited than the last selected candidate, we have summoned the records from the B.P.S.C. From the perusal of the records, it is evident that the last selected candidate under general category

has secured 72.20% marks, namely, Narayan Kumar Jha on the other hand, appellant has secured lesser marks than the last selected candidate. At this stage, learned counsel for the appellant submitted that the respondent Nos. 7 to 17 do not have particular qualification like degree in Maithili. Whereas procedure for selection and appointment to the post of Assistant Professor is governed by the statutes called “the Statute for Appointment of Teachers (Assistant Professor Grade) for the Universities of Bihar, 2014”. Clause **3.0** is relating to appointment of teachers (Assistant Professor), **3.3** is relating to essential qualification **3.3.1** reads as under:-

“A candidate should have throughout good academic record with minimum 55% marks at the Master's degree or equivalent (or equivalent grade) Relaxation of 5% marks for SC/ST Candidate of the State, while physically challenged persons from any part of the country will be given relaxation of 5% marks at Master's Degree. But both benefits shall not be admissible to any such candidate.”

3. Reading of the essential qualification, it is crystal clear the contention of the appellant is that respondents Nos. 7 to 17 do not possess requisite graduation in Maithili cannot be accepted since, it is not one of the prescribed qualification for the post of Assistant Professor.

4. In the light of these facts and circumstances the appellant has not made out a case.

5. Accordingly, the LPA stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Balmukund/-
Himanshu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.02.2023
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