

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4952 of 2022

1. Dr. Kumar Amitabh, Male, aged about 45 years, Son of Sri Arvind Kumar Singh, Resident of Mohalla - Bharat Raut (Kalra), P.O. - Hajipur, P.S. - Hajipur (Sadar), District - Vaishali, Bihar - 844101.
2. Dr. Manoj Kumar Singh, Male, aged about 49 years, Son of Sri Raj Narayan Singh, Resident of Shiv Shakti Colony, Road No. - 24 K, Rajiv Nagar, P.S. - Rajiv Nagar, P.O.- Keshari Nagar, District - Patna, Bihar - 800024.
3. Dr. Eena Bahan, Female, aged about 41 years, Wife of Sri Raj Shekhar Prasad, Resident of 8E/13, Bahadurpur Housing Colony, Kankarbagh, P.S. - New Agamkuam, District- Patna, Bihar - 800026.
4. Dr. Mukesh Kumar Sinha, Male, aged about 53 years, Son of Late Ram Chandra Prasad, Resident of Ramraji Road Maripur, P.S. - Kazi Mohamadpur, District - Muzaffarpur, Bihar - 842001.
5. Dr. Ashok Kumar, Male, aged about 51 years, Son of Late Dudeswar Singh, Resident of Village - Tarari, P.S. - Daudnagar, P.O.- Tarari, District - Aurangabad, Bihar- 824113.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Science and Technology Department, Government of Bihar, Patna.
2. The Principal Secretary, Science and Technology Department, Government of Bihar, Patna.
3. The Director, Science and Technology Department, Government of Bihar, Patna.
4. The Bihar State University Service Commission through its Chairman, 8th Floor, Bihar School Examination Board Academic Building, Buddha Marg, Patna - 800001.
5. The Chairman, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board Academic Building, Buddha Marg, Patna - 800001.
6. The Secretary, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board Academic Building, Buddha Marg, Patna - 800001.
7. The Aryabhatta Knowledge University, Patna through the Registrar, the Administrative Block, Mithapur, Patna, Bihar - 800001.
8. The Vice-Chancellor, Aryabhatta Knowledge University, Patna the Administrative Block, Mithapur, Patna, Bihar - 800001.
9. The Registrar, Aryabhatta Knowledge University, the Administrative Block, Mithapur, Patna, Bihar- 800001.

... .. Respondent/s

Appearance :



For the Petitioner/s	:	Mr. Kumar Kaushik, Advocate
For the University	:	Mr. Ajay Bihari Sinha, Sr. Advocate
		Mr. Priyank Deepak, Advocate
For the BSUSC	:	Mr. Pawan Kumar Choudhary, Advocate
For the State	:	Ms. Archana Meenakshee, GP 6
		Mr. Karandeep Kumar, AC to GP 6

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 23-02-2023

Heard the parties.

2. The petitioners have prayed as under:

“i. For issuance of an order, direction or a writ of mandamus for directing the respondent Bihar State University Service Commission to accept the Experience Certificate issued in favour of the petitioners by the respondent Science and Technology Department without insisting on the requirement of the certificate being countersigned by the Registrar of the University in as much as the Government Engineering Colleges are Institutes run by Science and Technology Department which does not have a Registrar and therefore the certificate issued by the respondent Department ought to be considered sufficient for considering the petitioners against the maximum of 10 marks reserved for teaching experience in pursuance of advertisement dated 21.09.2020 issued by the respondent Commission for appointment on vacant posts of Assistant Professor in different Universities and Constituent Colleges under the Education Department, Government of Bihar, Patna.

Alternatively/ Or

ii. For issuance of an order direction, or a writ of certiorari for quashing a setting aside the notification contained in Memo No. 534 dated 05.03.2022 (Annexure- P12) whereby and where under the respondent Aryabhata Knowledge University has refused to countersign the experience certificate to the Government



Institutions affiliated to it on the ground that it has no role to play in the appointment of the Teachers of such Institute.

iii. For issuance of an order, direction or a writ of mandamus for directing the respondent Registrar of the Aryabhatta Knowledge University, Patna to countersign the certificate issued in favour of the petitioners by the Science and Technology Department in as much as the Government Engineering Colleges are affiliated to the aforesaid University and the learned Registrar on verification of the validity of experience certificates after satisfying himself regarding the same, be directed to countersign the certificate which is being insisted as a mandatory requirement by the respondent Commission for consideration against the marks allotted for teaching experience pursuant to advertisement dated 21.09.2020.

iv. For issuance of an order, direction or an appropriate writ for staying the recruitment process in the subject of Physics Chemistry and Mathematics against advertisement dated 21.09.2020 issued for appointment to the post of Assistant Professor in different Universities and Constituent Colleges under the Education Department, Government of Bihar, Patna during the pendency of the present writ application.”

3. Learned senior counsel appearing for the Aryabhatta University has pointed out the difficulties as mentioned in the notification dated 05.03.2022. However, he frankly states that this issue was taken up before the Division Bench in LPA No. 659 of 2021 decided on 06.12.2022, wherein the observations were made with regard to countersigning of the experience certificates of the teachers who are working in the various colleges affiliated or



attached to the University. Learned senior counsel submits that in view of the judgment passed by the Division Bench, the University shall take steps to countersign the experience certificate which are referred to it by the Principal of the affiliated college.

4. Learned counsel for the petitioners does not have any exception to such a proposal and submits that the Principals of their college should after signing the experience certificate send the same at his own level to the University for counter signatures.

5. This Court finds that the State University Service Commission has laid down a condition in their Advertisement of the experience certificates of the concerned candidates to be countersigned by the concerned University. The said condition has already been upheld by this Court.

6. Keeping in view thereto, it is necessary that the counter signatures be made by the Registrar of the University to which the concerned college is affiliated. Accordingly, it is directed that the concerned Principals where the Assistant Professors and teachers are working, shall prepare their experience certificates and send them to the Registrar within a time frame. Once the certificates are sent, they shall be countersigned after any verification which may be required by the



University and returned to the said candidates. The entire process should not take more than three weeks.

7. Of course, it is made clear that the Commission shall accept such experience certificates as and when they are submitted before it by the concerned petitioners.

8. With the said observations, this writ petition is disposed of.

(Sanjeev Prakash Sharma, J)

P. Kumar

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

