

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14914 of 2019

=====

Aditi Bharti, daughter of Ram Chandra Safi, resident of Bhoop Narayan Singh Colony, P.S.- Madhubani Town, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Bihar, Patna.
2. The Bihar Public Service Commission through its Secretary, Bihar, Patna.
3. The Secretary, Bihar Public Service Commission, Bihar, Patna.
4. The Joint Secretary cum Examination Controller, Bihar Public Service Commission, Bihar, Patna.
5. Kavita Kumari, d/o not known, through Bihar Public Service Commission.
6. Archana Kumari, d/o Not Known Bihar Public Service Commission.
7. Kumari Nitu Rani, d/o not known Bihar Public Service Commission.
8. Sunita Kumari, d/o Not known Bihar Public Service Commission.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Ms.Soni Shrivastava
For the State	:	Mr. Kumaresh Singh, AC to SC 28
For the BPSC	:	Mr. Ashok Kumar Choudhary
		Mr. Akshanh Ankit
For Respondent Nos. 5/7:		Mr. Ritesh Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 9 22-12-2023 1. By the present writ application, the petitioner has prayed for a direction to the Bihar Public Service Commission (in short, “the Commission”) to include her name for recruitment, under Schedule Caste category, to the post of Assistant Professor in Sociology, which was advertised, vide Advertisement No. 58 of 2014.
2. The brief facts, giving rise to the present writ application, is that in the year 2014, the Commission came out with an



advertisement for appointment on the post of Assistant Professors in different subjects, including Sociology, in various Universities across the State of Bihar. The petitioner, belonging to the Schedule Caste category, having the qualification, also applied for her appointment to the post of Assistant Professor in the Sociology subject pursuant to the said advertisement.

3. A combined merit list was published by the Commission, where the petitioner was placed at serial no. 87, with 68 marks and four other candidates, namely, Kavita Kumari, Archana Kumari, Kumari Nitu Rani and Sunita Kumari, were placed at serial nos. 90, 93, 105 and 116, respectively. The Commission, vide notification, dated 23.01.2019, allotted different Universities to the respondent nos. 5 to 8, ignoring the claim of the petitioner.
4. Learned Counsel for the petitioner submits that even though, the petitioner was having higher marks than the respondent nos. 5 to 8, under the Scheduled Castes category, and was declared as successful candidate, she was not appointed and was also not allotted any University, as was done in the case of respondent nos. 5



to 8. The petitioner secured 68 marks, having ranked 87; whereas respondent no. 5, Kavita Kumari, secured 67.75 marks, having ranked 90, and was allotted Magadh University, Bodh Gaya, respondent no. 6, namely, Archana Kumari, secured 67.40 marks, having ranked 93, and was allotted Bhupendra Narayan Mandal University, Madehpura, respondent no. 7, namely, Kumari Nitu Rani, secured 65.30 marks, having ranked 105 and was allotted Veer Kunwar Singh University, Ara and respondent no. 8, namely, Sunita Kumari, secured 62.80 marks, having ranked 116, and was allotted Lalit Narayan Mithila University, Darbhanga.

5. Learned Counsel for the Commission argued that the petitioner secured 68 marks and was ranked 87, but she was not selected because the vacancies of Scheduled Castes category in the three Universities, in which the petitioner applied/ filled up her preference/choice/option, namely, Patna University, Patna, Bhim Rao Ambedkar Bihar University, Muzaffarpur and Tilka Manjhi Bhagalpur University, Bhagalpur, as would be evident from column no. 14 of her application form (Annexure 4 to the counter affidavit, the seats were exhausted up to



rank, at serial no. 86. The petitioner has not given her preference/choice/ option for any other University.

6. Learned Counsel further submits that the above fact would be evident from the resolution of the meeting of the Commission, held on 23.01.2019 (Annexure R/1 to the counter affidavit).
7. Referring to the terms of the advertisement, at Clause 5, learned Counsel for the Commission submits that it was clearly mentioned in the advertisement, under the heading “Important instructions for filing Application Form” that in case, the candidate does not fill the preference, he or she will not be considered for any other University in spite of vacancies remaining there. The recommendation of the successful candidates was sent in April 2019 itself and, now, the entire selection process of the Advertisement No. 58 of 2014 has come to an end.
8. Learned Counsel for the State submits that after the appointment process, pursuant to the Advertisement No. 58 of 2014, was over, another selection process was initiated for appointment of Assistant Professors, in different Universities of the State of Bihar, in the year 2020, by the University Service Commission and all the



vacancies were carried over and accordingly, requisition was sent to the University Service Commission. In the said selection process, the final result has not been published by the University Service Commission.

9. I have heard learned Counsel for the parties concerned and have perused Clause 5 of the Advertisement No. 58 of 2014 closely.
10. From perusal of the terms of the advertisement, at Clause 5, it appears that the candidates were required to give preference/choice/option of Universities, in the order 1, 2, 3, 4, for appointment in the said Universities. Clause 5 further says that even upon availability of vacancies in a particular University, and the candidate having not preferred for appointment in the said University, then, such candidate shall not be considered for appointment in the Universities for which no preference/choice/option was given.
11. The petitioner, in her application form, annexed at Annexure R/4 to the counter affidavit filed by the Commission, has opted for only three Universities, namely, Patna University, Patna, Bhim Rao Ambedkar Bihar University, Muzaffarpur and Tilka Manjhi



Bhagalpur University, Bhagalpur. As per the case of the Commission, in the aforesaid three Universities, the posts were filled up to merit serial no. 86; whereas the rank of the petitioner was 87. Furthermore, the remaining vacancies have been carried forward for appointment by the university Service Commission in the year 2020.

12.Considering the aforesaid fact and the terms of the advertisement, especially Clause 5 of it, in my considered opinion, the petitioner is not entitled for any relief in the present writ application.

13.This writ application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	√		
---	---	--	--

