

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17771 of 2021

1. Srikanti Kumari Wife of Shioje Prasad Gupta Resident of Sadar Bazar, Bajrang Pustak Bhandar, Jagdishpur, P.O. and P.S. - Jagdishpur, District- Bhojpur - 802158, (Bihar)
2. Sudhanshu Kumar Son of Hira Lal Sah Resident of Village - Kalyaneshwar Sthan, Kalna, P.O. - Basopatti, P.S. - Harlakhi, District- Madhubani - 847225, (Bihar.).
3. Bipin Kumar Son of Nand Deo Singh Resident of House No. 39, Laxman Bigha, P.O. - Laxman Bigha, P.S. - Paraiya, District- Gaya - 824209, (Bihar).
4. Shilesh Mohan Son of Ram Parvesh Dubey Resident of Ashok Nagar Road Np. 8, Ramlakahan Path, Kankarbagh, near Sanjay Saikil Dukan, Sampatchak, P.O. - Lohiya Nagar, P.S. - Kankarbagh, District- Patna - 800020, (Bihar).
5. Rohit Kumar Son of Sunil Kumar Jaiswal Resident of Village - Shahpur Undi, P.O. - Shahpur Undi, P.S. - Patory, District- Samastipur - 848504, (Bihar).
6. Amit Kumar Yadava Son of Prabhu Nath Prasad Yadav Resident of Village - Dahiyawan Tola Chapra, P.O. - chapra Town, P.S. - Chapra, District- Saran (Chapra) - 841301 (Bihar).
7. Vikash Kumar Singh Son of Baleshwar Singh Resident of Village - Satjora, P.O. - Chapra Town, P.S. - Chapra, District- Saran (Chapra) - 841410, (Bihar).

... .. Petitioner/s

Versus

1. Bihar State University Service Commission, 8th Floor, B.S.E.B, Academic Building, Budh Marg, Patna- 800001, (Bihar).
2. Bihar State University Service Commission, through its Chairman 8th Floor, B.S.E.B., Academic Building, Budh Marg, Patna - 800001, (Bihar).
3. Bihar State University Service Commission, through its Secretary, 8th Floor, B.S.E.B., Academic Building, Budh Marg, Patna - 800001, (Bihar).
4. The State of Bihar through Secretary Education Department Government of Bihar, Patna.
5. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
6. The Director Higher Education, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Apurva Kumar, Adv.
For the Respondent/s	:	Mr. Narendra Kumar, AC to GP 20
For the Commission	:	Mr. Pawan Kumar Choudhary, Adv.
		Mr. Manoj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

- 4 08-02-2023 1. The learned counsel for the petitioner added the aspects that the issue raised by the petitioner stands finally concluded by this Court in its judgment passed in **C.W.J.C.**



5424/22 (Krishna Mohan Singh Vs. The State of Bihar)

decided on **12.05.2022**, wherein this Court has held as under:

“17. In view of above, the submission of learned counsel that such a teaching experience gained by the faculty members ought not be considered, cannot be accepted. If the authorities have issued experience certificate to the guest teachers, counting their teaching experience as the actual experience of teaching was fault can be attributed. The very purpose of giving two marks for each year of experience, is to obtain services of those persons, who have actual experience of teaching students. Thus, there is a nexus to the said interpretation and Clause 5.5. does not in any manner denies such experience to be counted. The only aspect is that the factum of service of such a teacher must be duly certified by the concerned University Selection Committee/ College Service Commission/College Selection



Committee, which has been clarified by the three member Commission is that the certificate to be issued by the Principal to be counter-signed by the Registrar.

18. The contention of learned counsel is that the guest faculties experience has not been counted in relation to one candidate, who applied for appointment at the Central University namely Baba Saheb Bhim Rao Ambedkar University at Lucknow on the basis of draft regulations of University Grant Commission, 2018.

Suffice it to say that this Court would not attempt to give a seal of approval or dis-approval to such a course adopted as it is not before this Court. However, it is to be noticed that the University Grant Commission Regulation, 2018 is a Draft regulation and have not come into force as yet. On the basis of draft regulations, the petitioners can not claim that the said teaching



experience is not required to be counted. The draft regulations are still required to be confirmed by the University Grant Commission. Such regulations would of course have to be in consonance with the interpretation laid down by the Apex Court from time to time as noticed hereinabove. They are not enforceable as of now

19. Keeping in view the aforesaid discussion, I do not find any reasons to interfere with the method and manner of selection process being conducted by the University Commission and no interference is warranted.”

2. Keeping in view above, the present writ petition also falls, accordingly the writ petition is dismissed.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 3

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