

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.310 of 2019

In
Civil Writ Jurisdiction Case No.5488 of 2017

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Kumar Prashant Sinha Son of Rajendra Prasad Resident of Mohalla- Maruti
Nagar, Chiraiyatand, P.O.- G.P.O., Patna, P.S.- Jakkanpur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources
Department, Bihar, Patna.
2. The Secretary, Bihar Public Service Commission, Jawaharlal Neharu Marg,
Bailey Road, Patna.
3. The Vice Chancellor, Magadh University, Bodh- Gaya.
4. The Registrar, Magadh University, Bodh- Gaya.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Kumod Kumar Shrivastaw, Advocate
For the State : Mr.Dhurjati K. Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 18-07-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This review application has been filed seeking
review of the order dated 31.07.2019 passed by learned Writ
Court in CWJC No. 5488 of 2017 whereby and whereunder this
Court has rejected the eligibility/ candidature of the petitioner.

3. This Court has refused to interfere with the
selection made by the Bihar Public Service Commission at the
instance of the petitioner and it has been held that the petitioner
was not eligible on account of the fact that he had not done NET
and had not completed M. Phil. or Ph. D. prior to 2002.



4. Learned counsel for the petitioner has taken this Court through the Advertisement published on or about 20.11.2014 for appointment to the post of Assistant Professors. The eligibility conditions specifically provide that the candidate must have passed NET/ SET or equivalent test accredited by the University Grants Commission (hereinafter referred to as the 'U.G.C.'). The another condition reads that the candidates who have obtained Ph. D. degree on the basis of U.G.C. (Minimum Standards and Procedure for Award of M. Phil./ Ph. D. Degree) Regulations, 2009 (hereinafter referred to as the 'U.G.C. Regulations, 2009') framed by the U.G.C. for M. Phil./ Ph. D. degree shall be exempted from passing the National Eligibility Test (NET).

5. Learned counsel for the petitioner admits that the petitioner has not passed NET/ SET or equivalent test accredited by the U.G.C. Learned counsel has, however, submitted that the petitioner had obtained his Ph. D. degree in 2011 when the U.G.C. Regulations, 2009 was not being followed by the Universities of Bihar.

6. Learned counsel has submitted with reference to his statements in Paragraph '5' of the reply to the counter affidavit filed by Under Secretary, Education Department, Bihar, Patna in



the writ application that the petitioner had done his Ph. D. in 2011 but he fulfills all the requisite norms of U.G.C. Regulations, 2009.

7. It is evident from the submissions of learned counsel for the petitioner that the petitioner had not obtained his Ph. D. degree on the basis of U.G.C. Regulations, 2009 framed by the U.G.C. for M. Phil./ Ph. D. degree. The subsequent clarification, if any, brought by the Gazette publication dated 11th July, 2016 could not have been applied to the Advertisement published in the year 2014.

8. This Court finds no error apparent from the face of the record in the order of the learned Writ Court.

9. This application has, thus, no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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