

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7129 of 2019

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Lalan Ram Son of Late Sukho Ram Resident of Village- Dudhpura, P.O.- Mangalgarh, P.S.- Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga through its Registrar.
3. The Vice Chancellor, The Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
4. The Registrar, The Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
5. The Principal Secretary, Education Department, Bihar, Patna.
6. The Director, Higher Education, Education Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Md. Hussamuddin Azad
For the State	:	Mr.Jitendra Kr. Roy 1, SC-13
		Mr. Bijay Bhushan Prasad, AC to SC-13
For the University	:	Mr. Deepak Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 26-02-2024

Heard learned counsels for the parties.

2. The present writ application has been filed for the following relief(s):

(i) For quashing of the order bearing memo no. 1872 dated 30.11.2018 (Annexure-12) passed by the Registrar of Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga (hereinafter referred to as the University), whereby and whereunder the



Registrar of the University has stated that the petitioner was not appointed on the post of Assistant Professor in Sahitya subject as he has no NET passing certificate.

(ii) For quashing of the letter bearing letter no. 1586/2016 dated 10.09.2016 (Annexure-8) of the Registrar of the University, whereby and whereunder the petitioner has been directed to produce the NET passing certificate though for the Sahitya subject, there is no examination conducted for NET/SET and the provision contained in Clause 4 under heading of educational qualification, the necessity of such certificate is exempted having no any such provision of conducting such examination.

III) For issuance of such direction commanding the respondents to appoint the petitioner on the post of Assistant Professor in Sahitya subject as per Advertisement No. 3/2015 as out of 11 vacancies only 5 persons have been selected, whereas total posts for unreserved were 6 and two were for Scheduled Castes.

IV) For issuance of direction commanding the respondents to grant all the consequential benefits to the petitioner treating him to have been appointed along with other candidates from the merit list.

3. Learned counsel for the petitioner submits that the University published a notice bearing letter no. 894 of 2015



dated 31.01.2015 in daily newspaper on 02.02.2015 inviting applications for the post of Assistant Professor and other vacant posts on temporary basis. Following the instructions made in the advertisement, the petitioner submitted his application along with entire documents and after scrutiny thereof, he was selected for interview in which only 6 candidates were selected out of 11 seats for which merit list was published on 01.06.2015 under the signature of the Registrar of the said University. In the said merit list the name of the petitioner was mentioned at Serial No.6, but after document verification, other five selected candidates were allocated college in Sahitya subject except the petitioner.

4. It is further submitted that the Registrar sent letter bearing letter no. 9750/2015 dated 09.09.2015 to the petitioner with a direction to appear before him on 15.09.2015 along with the original documents otherwise his candidature will be cancelled. Thereafter, the petitioner appeared and submitted a letter on 15.09.2015 itself to the respondent-Registrar mentioning therein that his father's name was mentioned wrongly in the Intermediate original certificate and he has submitted application for the aforesaid correction before the Bihar School Examination Board (Higher



Secondary) on 07.09.2015 and as soon as he will get the corrected original certificate, the said would be submitted before the Registrar. Thereafter, he submitted his application on 06.09.2016 before the Grievance Cell of the University upon which the Registrar sent a letter bearing letter No. 1586 of 2016 dated 10.09.2016 directing the petitioner to appear before him or the Vice-Chancellor along with NET passing certificate. It is further submitted that on 22.09.2016, the petitioner also appeared before the member of the Grievance Cell along with all the necessary documents, but nothing was done.

5. It is further submitted that the petitioner filed one writ application bearing C.W.J.C. No. 411/2017 against the order dated 10.09.2016, in which this Court has passed an order on 30.11.2017 disposing the writ petition with liberty to the petitioner to file reply before the Registrar and the Registrar shall be obliged to take appropriate decision on the reply submitted by the petitioner at the earliest. Following the order dated 10.09.2016, the petitioner submitted representation annexing all the relevant documents before the Registrar on 20.12.2017 and non-fulfillment of his grievances, he also submitted his reminder application on 07.04.2018



before the Registrar for disposal of the matter, but still the grievances of the petitioner has not been redressed. Ultimately, the petitioner filed a contempt petition bearing M.J.C. No. 1508 of 2018 before this Court, which was disposed of considering the disposal of the representation vide order dated 30.11.2018 filed along with show cause reply on behalf of the University giving liberty to the petitioner to challenge the legality and validity of the decision of the Registrar of the University in accordance with law.

6. It is further submitted that vide letter dated 30.11.2018, the requirement of NET passing certificate has been shown, whereas in pursuant to Clause 4 of the guideline, NET/SET is not necessary for such post graduate subjects in which NET/SET is not conducted. Therefore, the demand of the NET passing certificate is not required, since the petitioner has applied for the Sahitya subject for which the NET examination is not conducted. One list of the subject categorized for UGC NET published on the website of C.B.S.E. for the NET examination which was to be held in June, 2016 which also does not suggest any such test for Sahitya subject. Accordingly, the demand made by the Registrar of NET passing certificate by letter dated



10.09.2016 is totally illegal.

7. Learned counsel for the University submits that it is wrong assertion on behalf of the petitioner that NET examination is not conducted in the subject in which petitioner had applied. UGC NET subject list containing the subjects in which NET examination is conducted is also enclosed in the writ application as Annexure R-4/A and in the same, under Subject Code 73, Sanskrit Traditional subjects are mentioned in which one of the traditional subject is Sahitya, for which the petitioner had applied. From the UGC NET subject list, it is quite clear that for Sahitya traditional subject of Sanskrit NET examination is conducted by the UGC and since, the petitioner is not NET qualified, he is not eligible for selection due to non-fulfillment of one of the mandatory requirements.

8. Learned counsel for the University filed a supplementary counter-affidavit in compliance of the order dated 12.01.2024 of this Court stating therein that all the five persons who have been appointed as Assistant Professors in the subject of Sahitya are NET qualified and also enclosed xerox copy of their NET qualified certificates in the supplementary counter-affidavit. It is further submitted that



the petitioner himself had appeared in NET Examination conducted in June, 2012 under subject code 73, but failed to clear the NET examination and now misleading the Court by making averment in the petition that no NET Examination is conducted for Sahitya.

9. It is evident from Annexure R-4/A that under Subject Code 73, Sanskrit Traditional subjects are mentioned in which one of the traditional subject is Sahitya, for which the petitioner applied. Moreover, the petitioner himself had appeared in NET Examination conducted in June, 2012 under subject code 73, but failed to clear the NET examination.

10. In that view of the matter, I do not find any merit in the present writ application. Accordingly, this writ application stands dismissed.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.03.2024
Transmission Date	NA

