

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7991 of 2024

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Anuradha Singh daughter of Sardar Birendra Kumar Singh, Resident of
Mohalla- Hari Ji Ka Hata, Ara, P.S.- Town, District- Bhojpur at Ara.

... .. Petitioner

Versus

1. The Bihar State University Service Commission, BSEB Academic Building,
Budha Marg, Patna- 800001.
2. The Chairman, the Bihar State University Service Commission, BSEB,
Academic Building, Budha Marg, Patna- 800001.
3. The Secretary, the Bihar State University Service Commission, BSEB,
Academic Building, Budha Marg, Patna- 800001.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Amaresh Kumar Singh, Advocate Mr. Dineshwar Prasad Singh, Advocate Mr. Onkar Kumar, Advocate
For the B.S.U.S.C.	:	Mr. Pawan Kumar, Advocate Mr. Rakesh Kumar Singh, Advocate Mr. Dinesh Kumar, Advocate Mr. Utsav, Advocate Mr. Praveen Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 19-09-2024

Heard learned counsels for the parties.

2. The petitioner has filed this writ petition seeking a direction for grant of appropriate marks under the heading “Teaching Experience” to the petitioner in terms of advertisement dated 21.09.2020 issued by the Bihar State University Service Commission (for short “the Commission”), under which advertisement the petitioner had applied for the post of Assistant Professor (Commerce).

3. The Commission had issued an advertisement dated 21.09.2020 inviting applications for filling up various



posts of Assistant Professors in different University and constituent Colleges for various subjects including for the Commerce subject. The last date for submission of online application along with the requisite documents was 02.11.2020, which was extended to 24.11.2020. In terms of Clause 11 of the advertisement, hard copy of the downloaded online application form along with the various documents mentioned in Clause 11 of the advertisement including teaching experience certificate was required to be submitted on or before 24.11.2020, which was extended to 30.12.2020. It was also the requirement under Clause 7.2 of the advertisement that for awarding 10 marks under the heading “Teaching / Post Doctoral Experience” the certificate submitted by the candidate must be countersigned by the Registrar of the concerned University. The petitioner had submitted teaching experience certificate countersigned by the Principal of the concerned College along with her application within the last date prescribed for submission as per the advertisement.

4. The counsel for the petitioner contends that the petitioner may be considered for awarding the marks under the heading “teaching experience” on the basis of teaching



experience certificate countersigned by the Registrar of the University on 18.01.2021 (as per paragraph 7 of the writ petition); certificate dated 20.10.2020 countersigned by the Registrar, V.K.S. University, Ara on 18.01.2022 (as per Annexure P/4 series) submitted on 23.10.2022 by e-mail, which are subsequent in point of time of the last date prescribed in the advertisement.

5. The Commission has filed a counter affidavit, wherein, in paragraph 10 thereof it has been stated that the petitioner did not submit teaching experience certificate duly countersigned by the Registrar of the concerned University within the last date for submission prescribed in the advertisement.

6. Since it is a case of the petitioner herself that she did not submit teaching experience certificate duly countersigned by the Registrar of the University, the petitioner has not filed a rejoinder to the counter affidavit filed by the Commission and, therefore, the admitted position insofar as the teaching experience certificate of the petitioner is that teaching experience certificate submitted by the petitioner before the last date for submission as



prescribed in the advertisement was not countersigned by the Registrar of the concerned University.

7. In the light of the aforesaid admitted position that the petitioner did not submit the teaching experience certificate duly countersigned by the Registrar of the concerned University, when Clause 7.2 of the advertisement is perused, it clearly provides that the benefit of teaching experience certificate will be given on the basis of the certificate countersigned by the Registrar of the concerned University.

8. It thus is the requirement under the advertisement that teaching experience certificate submitted by the candidates will have to be countersigned by the concerned University. In other words, the application along with the requisite certificates submitted by the petitioner on or before the last date prescribed for submission in the advertisement dated 21.09.2020 issued by the Commission was not in accordance with the terms set out in the advertisement issued by the Commission.

9. In view of the settled position of law as laid down by the Full Bench of this Court in the case of ***Braj Kishore Prasad vs. State of Bihar*** reported in **1998 (3)**



PLJR 34 and by the Hon’ble Supreme Court in the case of *Bedanga Talukdar v. Saifudaullah Khan* reported in *(2011) 12 SCC 85* that the selection process has to be conducted strictly in accordance with the stipulated selection procedure and when a particular schedule is mentioned in an advertisement, the same has to be scrupulously maintained and that there cannot be any relaxation in the terms and conditions of the advertisement unless such a power is specifically reserved in the Rules, I am of the considered view that no direction as sought for by the petitioner can be given to the respondent-Commission, as the petitioner has failed to submit teaching experience certificate duly countersigned by the Registrar of the concerned University as notified in the advertisement dated 21.09.2020 issued by the Commission.

10. In that view of the matter, the writ petition has no merit and the same is hereby dismissed.

(Nani Tagia, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.09.2024
Transmission Date	N.A.

