

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13947 of 2021

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Amod Thakur Son of Ram Suchit Thakur C/o Suresh Chaudhary, Krishna Toli, Lane No. 5, Post Office- MIT, Police Station- Brahampura, Muzaffarpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The Bihar Public Service Commission through its Secretary, 15, Baily Road, Patna-1.
2. The Chairman, Bihar Public Service Commission, Patna.
3. The Joint Secretary-cum- Examination Controller, Bihar Public Service Commission, Baily Road, Patna.
4. The State of Bihar through the Principal Secretary, Department of Science and Technology, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Adv.
For the State	:	Mr. Sanjeet Kumar Singh, A.C. to AAG-6
For the BPSC	:	Mr. Rajni Kant Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 24-09-2024 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar Public Service Commission.

2. The fact of the case, in brief, is that the Commission published Advertisement No. 26/2020 for appointment to 120 posts of Associate Professor, Civil Engineering in Government Engineering Colleges in response to the requisition received vide letter no. 3690 dated 13.03.2020 of the General Adm. Department, Government of Bihar including letter no. 686 dated 20.02.2020 of the Science & Technology Department,



Government of Bihar and in consonance with the Bihar Engineering Education Service Rules, 2020. The last date of filing of online application was 23.09.2020 and receiving of hard copy application form in the office of the Commission was 30.09.2020. The Commission requested the concerned department to appoint/depute the subject experts for scrutiny of documents and research papers/certificates etc of the candidates and to examine their eligibility/ineligibility (candidature) of the candidates in terms of the requirement of the eligibility criteria and to calculate academic marks given in the advertisement. The concerned Department deputed the experts vide its letter nos. 333 dated 29.01.2021, 541 dated 15.02.2021, 841 dated 09.03.2021 and 1236 dated 16.04.2021. The experts scrutinized the application forms and documents of the candidates on the basis of their attached Education certificates/documents as per provisions of the advertisements. The petitioner was declared ineligible on the basis of less research publications in SCI/UGC/AICTE approved list of journals.

3. Learned counsel for the petitioner submits that the petitioner represented his matter on 22.07.2021 before the respondent Authority of Commission apprising about his claim and sought redressal on the basis of documentary proof, but no



heed was paid.

4. Learned counsel for the Bihar Public Service Commission submits that the experts duly considered all the research publications attached with application form of the petitioner and also after representation in the light of notice published on 26.03.2021. After considering the representation of the petitioner, it was found that his approved research publications is less than six as per the requirement of advertisement. Minimum 06 research publication in SCI/UGC/AICTE approved list of journals is required to become eligible for the post.

5. It is further submitted that since no candidate fulfilled the prescribed eligibility criteria in terms of the advertisement for selection against the vacancies of the Advt. No. 26/2020 as per the report of the experts, the Commission returned the requisition to the concerned Department vide letter no. 783 dated 08.07.2021.

6. Considering the submissions advanced on behalf of the parties and after perusal of the materials available on record, it is admitted fact that the petitioner has not fulfilled the prescribed eligibility criteria in terms of the advertisement for selection against the vacancies of the Advt. No. 26/2020 as per



the report of the experts.

7. It is a well-settled law that under Article 226 of the Constitution the Court does not have power to issue direction to the concerned Authority to approve the research publication of the petitioner as the Committee of the experts has already rejected the research publication of the petitioner.

8. In such 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)

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