

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12518 of 2021

Dr. Shweta Warwade Wife of Mayank Warwade Resident of DM residence,
Jamui, District- Jamui, Pin code- 811307 presently residing at the Residence
of Divisional Commissioner, Magadh District- Gaya, Pin code- 823001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. Additional Chief Secretary, Education Department, Bihar, Patna.
3. Chancellor of Universities of Bihar, Raj Bhawan, Patna.
4. Principal Secretary to Governor-cum-Chancellor, Governors Secretariat,
Bihar, Raj Bhawan, Patna.
5. Bihar State University Service Commission, Patna through its Secretary.
6. Chairman, Bihar State University Service Commission, Patna.
7. Secretary, Bihar State University Service Commission, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 14270 of 2021

Sunil Kumar Son of Lakhan Prasad Resident of Professor Colony,
Biharsharif, P.S. Biharsharif, District-Nalanda.

... .. Petitioner/s

Versus

1. The Chancellor of the University of Bihar Raj Bhawan Patna.
2. The State of Bihar through the Chief Secretary Government of Bihar.
3. The Principal Secretary, Education Department Government of Bihar. Patna.
4. The Union of India through its Secretary Ministry of Human Resources
Department New Delhi.
5. The University Grants Commission through its Secretary, New Delhi.
6. Bihar State University Service Commission through its Secretary 8th Floor
Bihar School Examination Board Academic Building Buddha Marg, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 12518 of 2021)

For the Petitioner/s	:	Mr. Abhinav Srivastava, Advocate
For the Respondent/s	:	Mr. P. K. Shahi, AG
		Mr. Pawan Kumar Choudhary, Advocate
		Mr. Rajendra Giri, Advocate
		Mr. Pawan Kumar, Advocate
		Mr. Sanjeev Kumar, Advocate



		Mr. Rana Vikram Singh, Advocate
		Mr. Rajiv Ranjan Kumar Pandey, Advocate
		Ms. Archana, AC to AAG-11
For BSUSC	:	Mr. Harsh Singh, Advocate
For the UGC	:	Mr. Deepak Kumar, Advocate
(In Civil Writ Jurisdiction Case No. 14270 of 2021)		
For the Petitioner/s	:	Mr. Dharendra Kumar, Advocate
For the Respondent/s	:	Mr. P. K. Shahi, AG
		Mr. Gyan Shankar, Advocate
		Mr. Sanjeev Kumar, Advocate
		Mr. Pawan Kumar, AC to AG
		Dr. K.N. Singh, ASG
		Mr. Rajendra Kumar Giri, Advocate
		Mr. Pawan Kumar Choudhary, Advocate
		Mr. Rana Vikram Singh, Advocate
		Mr. Rajiv Ranjan Kumar Pandey, Advocate
		Mr. Ram Tujabh Singh, CGC
		Ms. Radhika Raman, Sr. CGC
For BSUSC	:	Mr. Harsh Singh, Advocate
For the UGC	:	Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
CAV JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-04-2024

The challenge in the aforesaid writ petitions is to the proviso inserted under Clause 3.3.2 of the Statutes for the appointment of Assistant Professors in Universities of Bihar 2020, by reason of which exemption from possessing the requirement of qualification of any NET conducted by UGC/CSIR or a similar test accredited by the UGC, has been extended only in favour of such candidates who have been awarded Ph.D degrees from the Universities in the State of Bihar; under the regulations which existed prior to UGC (Minimum Standards & Procedure for award of M.Phil/Ph.D Degree) Regulations, 2009.



2. The grievance of the petitioner in CWJC No. 12518 of 2021; who has obtained a Ph.D degree from outside the State of Bihar, is of gross discrimination and violation of the equality clause.

3. In Paragraph 10 of the counter affidavit of the Commission, in CWJC No. 12518 of 2021, it is categorically stated that the Ph.D. qualification of the petitioner would be recognized, despite the petitioner having obtained such qualification from outside the State. It is stated that this would be only subject to the condition that she should either establish that the qualification has been obtained under the 2009 Regulations of the UGC or in compliance of the 5 requirements as required by the UGC by its 2018 Regulations. It is also stated that the provisional admittance of the candidature of the petitioner is only because of the anomaly in the name of the petitioner. The said statements are recorded and in that circumstance the grievance of the petitioner stands redressed.

4. We gave the learned counsel for the petitioner time to get instructions and on the next posting date the learned counsel on behalf of the petitioner sought for withdrawal of the writ petition.

5. Prayer granted and CWJC No. 12518 of 2021 is



dismissed as withdrawn.

6. The very same challenge is made in CWJC No. 14270 of 2021 wherein a teacher has challenged the said Regulation; more in the nature of a public interest. The clarification issued in the other case redresses the identical question raised in this writ petition also, wherein; we had also entertained doubts about the *locus standi* of the petitioner.

7. We find that this is an unnecessary petition, which stands dismissed on the ground of *locus standi* and also on the ground of the grievance having been redressed.

8. CWJC No. 14270 of 2021 also stands dismissed as withdrawn.

(K. Vinod Chandran, CJ)

Harish Kumar, J:I agree

(Harish Kumar, J)

sujit/Anushka/
Sharun/PKP

AFR/NAFR	
CAV DATE	04.04.2024
Uploading Date	18.04.2024
Transmission Date	

