

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8968 of 2020

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Ganauri Paswan, Son of Sakaldeep Paswan Resident of Village Uttar Serthu,
P.S. Kako, District-Jehanabad. Petitioner.

Versus

1. The State of Bihar through its Chief Secretary, Bihar. Patna.
 2. The Chairman/President Bihar State University Service Commission, 8th floor, Bihar, School Examination Board, Academic Building Patna-1
 3. The Secretary Bihar, State University Service Commission Patna.
- Respondents.

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Saxena, Advocate
For the Respondent/s	:	Mr. Madhaw Prasad Yadav, GP-23
For the BSUSC	:	Mr. Pawan Kumar, Advocate
		Ms. Pratibha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 29-07-2024 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the BSUSC.

2. The petitioner has approached before this Court for a direction to the Bihar State University Service Commission to amend its advertisement dated 21.09.2020 for the appointment on the post of Assistant Professor by way of providing the age limit of reserved category candidate.

3. A counter affidavit filed on behalf of the State is on record. In the counter affidavit, it is stated that the statute for appointment of Assistant Professor for the Universities of Bihar, 2020 has been framed by the Hon'ble Chancellor vide notification contained in memo no.1472 dated 10.08.2020. In pursuance of the aforesaid statute, the advertisement in question



has been issued by the BSUSC. Clause-3.4 of the aforesaid statutes prescribed that the maximum age for appointment to a post of Assistant Professor shall not be more than 55 years, as on January 1st of the year of advertisement.

4. Learned counsel for the State submits that the petitioner has not challenged the statute rather he has challenged the advertisement. Hence, this writ application is not maintainable.

5. Having heard learned counsel for the parties, I find force in submission of learned counsel for the State. The petitioner is so aggrieved then he has to first challenge the statute and not the advertisement because the BSUSC has published its advertisement as per the provisions given in the statute.

6. In such view of the matter, this writ application is dismissed as not maintainable.

(Anjani Kumar Sharan, J)

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