

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11069 of 2024

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Dr. Indu Kumari Tiwari @ Indu Kumari Tiwari Wife of Gitesh Kumar R/o
Mohalla- Vacharpati Nagar, Mahendru, P.S. Sultanganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Addl. Chief Secretary, Education Dept. Govt. of Bihar, Patna.
2. The Director Higher Education Govt. of Bihar, Patna.
3. The Secretary, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board, Academic Building, Budh Marg, Patna- 800001.
4. The District Magistrate, Patna.
5. The Circle Officer, Patna Sadar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Pathak, Advocate
For the Respondent/s	:	Mr. Jitendra Kumar Roy, SC-13 Mr. Hitesh Suman, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 25-07-2024

Heard Mr. Sunil Pathak, learned counsel for the petitioner, Mr. Jitendra Kumar Roy, learned SC-13, representing the respondent-State and Mr. Tej Pratap Singh, learned counsel appearing on behalf of Mr. Binod Ji Verma who is the panel advocate of Bihar State University Service Commission.

2. This writ petition is directed against letter no. 595, dated 21.06.2024, issued by the respondent no. 3/Bihar State University Service Commission (hereinafter referred to as 'the Commission'), whereby the candidature of the petitioner for



appointment/selection for the post of Assistant Professor (Physics) in the university of Bihar, pursuant to Advertisement No. 20/2020-21, dated 21.09.2020, has been rejected on the ground that the petitioner, being a female candidate who belongs to unreserved category, has paid ₹75/- as online application fee, whereas the application fee prescribed for unreserved category candidates is ₹300/-.

3. As per advertisement issued by the Commission, online application fee for female candidates, who are permanent resident of Bihar (both reserved and unreserved), has been prescribed as ₹75/-. The petitioner's candidature has been rejected by the Commission on the ground that though, the petitioner is a female candidate, but she did not submit domicile certificate in support of her claim to be a permanent resident of Bihar.

4. According to the learned counsel for the petitioner, the date of interview for the post of Assistant Professor (Physics) has yet not been fixed by the Commission and pursuant to a notice published by the Commission inviting objection from the candidates, the re-scrutiny of the application is going on by the Commission.

5. On a query made to Mr. Tej Pratap Singh, learned



counsel appearing on behalf of Mr. Binod Ji Verma, learned counsel representing the respondent/Commission, as to when the date of interview for the post of Assistant Professor (Physics) is scheduled, he has initially submitted that the interview for the Assistant Professor for various subjects including Physics is going on since 22nd of July, 2024 and the last date of the interview is 26.07.2024. Subsequently, in view of the categorical submission made by learned counsel for the petitioner that the date of interview for the post of Assistant Professor (Physics) has yet not been fixed, on a pointed query made to Mr. Tej Pratap Singh, learned counsel representing the Commission regarding the date of interview for the post of Assistant Professor (Physics), he has submitted that he is not sure of as to whether the interview for the post of Assistant Professor (Physics) is going on since 22nd July, 2024 or not and he has sought time to take proper instruction in the matter from the Commission.

6. Be that as it may, since the petitioner contends to be a permanent resident of Bihar and now she is in possession of domicile certificate, issued by the competent authority, this writ petition is hereby disposed of with a direction to the petitioner to submit her domicile certificate to the Commission on or



before 29.07.2024. On submission of the domicile certificate by the petitioner, the Commission shall take a decision in the matter and if the petitioner is found to be a permanent resident of Bihar on the basis of domicile certificate submitted, she shall be allowed to appear in the interview on the basis of application fee of ₹75/- paid by the petitioner subject to the petitioner fulfilling the other qualifying requirements provided in the advertisement by the Commission.

7. The writ petition is, accordingly, disposed of with the above direction.

(Nani Tagia, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25/07.2024
Transmission Date	N/A

