

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14345 of 2024

Dr. Shishu Pal Singh @ Shishu Pal Singh Son of Late Ram Sahaya Singh
Resident of Ganga Nagar Colony, Near Mangalam Vatika, Sarai Dangari
Kala, P.O. Tikari, P.S. Chitaepur, District- Varanasi (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Department of Education, Government of Bihar, Patna.
3. The Bihar State University Service Commission, through its Chairman, 8th Floor, Bihar School Examination Board Academic Building, Buddha Marg, Patna- 800001.
4. The Chairman, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board Academic Building, Buddha Marg, Patna- 800001.
5. The Secretary, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board Academic Building, Buddha Marg, Patna- 800001.
6. The Veer Bahadur Singh Purvanchal University, Jaunpur (U.P.) through the Registrar, the Administrative Block, Shahganj Road, Siddikpur, Deokali, Uttar Pradesh- 222003.
7. The Vice- Chancellor, Veer Bahadur Singh Purvanchal University, Jaunpur (U.P.) the Administrative Block, Shahganj Road, Siddikpur, Deokali, Uttar Pradesh 222003.
8. The Registrar, Veer Bahadur Singh Purvanchal University Jaunpur (U.P.) the Administrative Block, Shahganj Road, Siddikpur, Deokali, Uttar Pradesh 222003.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Government Pleader 7
For B.S.U.S.C.	:	Mr. Tuhin Shankar, Advocate
		Mr. Gopal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA

ORAL JUDGMENT

Date : 23-09-2024

Heard learned counsel for the parties.

2. The prayer of the petitioner in this writ petition
is to allow him to participate in the interview scheduled to be



held from 24th of September, 2024 onwards for the post of Assistant Professor (Physics), in terms of advertisement dated 21.09.2020, issued by the Bihar State University Service Commission (hereinafter referred to as 'the Commission'), on the basis of teaching experience certificate dated 13.09.2024, issued by the authorities of Ramkishun Singh College, Siddikpur, Jaunpur, counter signed by the Registrar, Veer Bahadur Singh Purvanchal University, Jaunpur (U.P.).

3. It may be mentioned herein that the aforesaid teaching experience certificate dated 13.09.2024 has been submitted by the petitioner to the Commission on 21st of September, 2024, is not a pleaded case of the petitioner in the writ petition, but an oral submission made by learned counsel for the petitioner.

4. The Commission had issued an advertisement dated 21.09.2020, inviting applications for filling up various posts of Assistant Professor in different universities and constituent colleges of the State of Bihar for various subjects including for the Physics subject. The last date for submission of online application along with the requisite documents, as mentioned in the advertisement, including teaching experience certificate, duly counter signed by the Registrar of the



concerned university, was 02.11.2020, which was extend to 24.11.2020. The downloaded hard copy of the online filled application form along with the requisite documents including the teaching experience certificate was also required to be submitted on or before 24.11.2020, which was extended to 30.12.2020.

5. It is the admitted case of the petitioner in paragraph no. 7 of the writ petition that the petitioner had applied for the post of Assistant Professor (Physics), in terms of advertisement dated 21.09.2020, by submitting online application as well as downloaded hard copy of the online filled application but without teaching experience certificate duly counter signed by the Registrar of the concerned university.

6. Since the petitioner failed to submit teaching experience certificate duly counter signed by the Registrar of the concerned university along with this downloaded hard copy of the online filled application on or before the last date as prescribed in the advertisement, in view of the law laid down by the Hon'ble Supreme Court in the case of **Bedanga Talukdar Vs. Saifudaullah Khan** reported in **(2011) 12 SCC 85** and by a Full Bench of this Court in the case of **Braj Kishore Prasad Vs. the State of Bihar** reported in **1998 (3) PLJR 34** to the



effect 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, sought for by the petitioner to allow him to participate in the interview scheduled to be held on 24.09.2024 onwards, for the post of Assistant Professor (Physics), can be given to the respondent authorities, as the petitioner failed to submit teaching experience certificate duly countersigned by the Registrar of the concerned University on or before the last date of submission as notified in the advertisement dated 21.09.2024.

7. For the reasons stated above, the instant writ petition, being devoid of merit, is dismissed with cost of Rs. 2,000/- to be deposited before the Patna High Court Legal Service Committee.

(Nani Tagia, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24/09.2024
Transmission Date	N/A

