

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14734 of 2024

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Abhinav Kumar S/o Jai Prakash Mishra, Turha Toli Main Road, Ward 20,
Buxar, Bihar - 802101.

... .. Petitioner/s

Versus

1. The Bihar State University Service Commission 8th Floor, Bihar School Examination Board Academic Building, Buddha Marg, Patna- 800001, through its Secretary.
2. The Chairman, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board Academic Building, Buddha Marg, Patna.
3. The Additional Chief Secretary, Education Department, Govt. of Bihar, Vikas Bhawan, New Secretariat, Patna.
4. The Director, Higher Education Department, Govt. of Bihar, Vikas Bhawan, New Secretariat, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prashant Bhushan, Advocate
		Mr. Aditya Anand, Advocate
For the State	:	Mr. Ramadhar Singh, GP-25
For B.S.U.S.C.	:	Mr. Tuhin Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 25-09-2024

Heard learned counsel for the parties.

2. The grievance of the petitioner is that he has not been called for the interview for the post of Assistant Professor (Physics), in pursuance to advertisement dated 21.09.2020, issued by the Bihar State University Service Commission (hereinafter referred to as ‘the University’) on the ground that the teaching experience certificates submitted by the petitioner have not been counter signed by the Registrar of the



concerned Universities.

3. The Commission had issued an advertisement dated 21.09.2020, inviting application 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. Clause 7.2 of the advertisement provided the criteria for shortlisting of candidates for the post of Assistant Professor, wherein it was provided that 10 marks shall be awarded for the teaching/post doctoral experience (two marks for each year of experience). The teaching experience certificate of the candidates was required to be counter signed by the Registrar of the concerned university.

4. The Commission did not call the petitioner for interview on the ground that the petitioner did not secure the qualifying cut off marks on an assessment made as per the criteria provided under Clause-7.2 of the advertisement.

5. According to the Commission, the petitioner did not secure the qualifying marks, because no marks under the heading 'teaching/post doctoral experience' was awarded to the petitioner as the petitioner did not submit teaching experience certificate duly counter signed by the Registrar of the concerned university.



6. Admittedly, the petitioner did not submit teaching experience certificate, counter signed by the Registrar of the concerned university along with his downloaded hard copy of the online filled application within the last date for submission of such application, provided in the advertisement.

7. It is the case of the petitioner that the petitioner has submitted teaching experience certificate dated 6th of July, 2017, issued by the Chairman, Solid State and Structural Chemistry Unit, Indian Institute of Science, Bengaluru (Annexure-P/14) and certificate dated 27th of March, 2019, issued by the Director of Human Resources, The Hong Kong Polytechnic University (Annexure-P/16). Both the teaching experience certificates, submitted by the petitioner as referred to hereinabove, are not counter signed by the Registrar of the concerned universities.

8. Learned counsel for the petitioner now contends that the certificate dated 6th of July, 2017 has been issued from the Solid State and Structural Chemistry Unit, Indian Institute of Science, Bengaluru and the Registrar of the said institute, vide his letter dated 18th of September, 2024 (Annexure-P/15), has stated that there is no provision of counter signing of teaching experience certificate by the Registrar of the



Solid State and Structural Chemistry Unit, Indian Institute of Science, Bengaluru.

9. Learned counsel for the petitioner further contends that the certificate dated 27th of March, 2019 has been issued from the Hong Kong Polytechnic University and the said university does not have a post of Registrar. Therefore, counter signing of the teaching experience certificate by the Registrar of the Hong Kong Polytechnic University does not arise.

10. On the aforesaid grounds, learned counsel for the petitioner now submits that on the basis of the aforesaid two teaching experience certificates without counter signed by the Registrar of the concerned universities, the petitioner may be awarded marks under the heading 'teaching experience' and the petitioner may be called for the interview for the post of Assistant Professor (Physics).

11. The manner, in which the selection has to be conducted by the authority concerned, is now well settled by the decision rendered 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, wherein it has been held that the selection process has



to be conducted strictly in accordance with the stipulated selection procedure.

12. In view of the above settled position of law, since it was the requirement under Clause 7.2 of the advertisement dated 21.09.2020 that the benefit of teaching experience certificate will be given on the basis of the certificate counter signed by the Registrar of the concerned university, which was duly notified in the advertisement dated 21.09.2020 and the petitioner has failed to submit the teaching experience certificate duly counter signed by the Registrar of the concerned university as required under Clause 7.2 of the advertisement dated 21.09.2024, no relief, sought for by the petitioner in the instant writ petition, can be granted and the instant writ petition, being devoid of merit, is dismissed.

(Nani Tagia, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.09.2024
Transmission Date	N/A

