

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16403 of 2024

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Vikash Kumar Tripathi Son of Krishna Dev Tripathi, Resident of Village-Sekhui, P.S.- Gollohaura, District Siddharthnagar (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education (Higher), Government of Bihar, Patna
3. The Director, Higher Education, Department of Education, Government of Bihar, Patna.
4. The Bihar State University Service Commission, through the Chairman, 8th Floor, BSEB Building (ADMIN Block), Budh Marg, Patna, Bihar.
5. The Secretary, Bihar State University Service Commission, 8th Floor, BSEB Building (ADMIN Block), Budh Marg, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sumit Kumar, Adv.

Mr. A.K. Pandey, Adv.

For the BSUSC : Mr. R.K. Singh, Adv.

For the State : Mr. M.N.H. Khan, SC-1

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-11-2024 Heard learned counsel for the petitioner, learned SC 1

for the State and learned counsel for the Bihar State University

Service Commission.

2. Learned counsel for the petitioner submits that the

petitioner belongs to general category and he had applied for

being considered for appointment as Assistant Professor in the

subject of Chemistry in pursuance of Advertisement No. AP-

CHEM-21/20-21 dated 21.09.2020.

3. Learned counsel next submits that the

advertisement at para 7.2 had incorporated that how the marks



are to be allotted. It is further submitted that the description of the same has been pleaded at para 8 of the writ application. It is next submitted that from perusal of para 8 of the writ application, it would manifest that as per clause 7.2 of the advertisement, the petitioner would have secured 90 marks but then the petitioner was not called for interview, despite the cut off marks for interview for general category candidate was 83. In the circumstance, the petitioner filed a representation before the Bihar State University Service Commission by e-mail dated 06.09.2024 stating therein that despite the cut off marks fixed for interview for general category candidate being 83 but still the petitioner has not been called for interview.

4. Learned counsel for the Bihar State University Service Commission submits that the interview is over but then result has not been published on which the learned counsel for the petitioner submits that when an application was filed before the Bihar State University Service Commission raising an issue that petitioner despite having more marks than the cut off marks for the general category candidate, but still he was not called for interview, as such, he is entitled for consideration of his representation dated 06.09.2024. Learned counsel for the Bihar State University Service Commission submits that interview is over and the results are awaited.



5. It is next submitted by the learned counsel for the Bihar State University Service Commission that no useful purpose would be served by directing the Bihar State University Service Commission to consider and dispose of the representation of the petitioner dated 06.09.2024 for the reason that from perusal of the representation dated 06.09.2024, it would manifest that the same was not addressed either to the Secretary or the Chairman of the Bihar State University Service Commission. Learned counsel for the Commission fairly submits that once the merit list is published and the petitioner feels aggrieved by the same, he still has an opportunity to challenge the merit list by raising a grievance before the Bihar State University Service Commission or before any appropriate forum in accordance with law.

6. Considering the submission made by the learned counsel for the Bihar State University Service Commission, the Court is not inclined to interfere in the writ application and hence, the same stands dismissed.

(Satyavrat Verma, J.)

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