

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1129 of 2024

In
Civil Writ Jurisdiction Case No.17615 of 2022

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Dilip Kumar Das, Son of Shaligram Harijan, Resident of Village- Gorgama,
Police Station-Amarpur, District- Banka.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The Tilkamanjhi Bhagalpur University through its Registrar.
4. The Vice-Chancellor, Tilkamanjhi Bhagalpur University, Bhagalpur.
5. The Bihar State University Service Commission, Patna through its Secretary.
6. The Chairman, Bihar State University Service Commission, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Shyam Sunder Pandey, Advocate
For the University	:	Mr. Ashhar Mustafa, Advocate
For the State	:	Mr. Sarvesh Kumar Singh, AAG-13
For the Commission	:	Mr. Harsh Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-12-2024

The writ petition was withdrawn by the learned Counsel for the petitioner and the appeal is filed from the order permitting such withdrawal. The withdrawal was also on the ground that the reliefs sought for by the petitioner in the instant writ petition have been granted by the respondent authorities.

2. Learned Counsel appearing for the Bihar State University Service Commission points out that there is not even



an averment in the appeal that the writ-petitioner had not instructed the Counsel to make the statement before the learned Single Judge, which resulted in the withdrawal of the writ petition.

3. We also notice from the writ petition that the direction sought was insofar as the delay in granting a Ph.D degree to the petitioner, despite completion of *viva voce* examination on 11.06.2022. The petitioner had also sought for consideration in the interview for selection to the post of Assistant Professor in pursuance of Advertisement No. 08/2020-21.

4. The learned Counsel for the appellant points out that the Ph.D. degree was granted by the University and hence the appellant should now be considered for the post of Assistant Professor. The interview is scheduled and the appellant should be directed to be considered, is the contention.

5. We notice from the writ petition that the application made by the appellant to the respondent Commission for selection to the post of Assistant Professor is produced along with the writ petition; at which stage the Ph.D. degree was not received by the appellant.

6. Obviously, the application was filed when the



appellant did not have the certificate with him. We are not told as to which was the last date for application, especially since the advertisement is said to be of the year 2020-21, while the appellant is said to have sat for the *viva voce*; the final stage of conferment of Ph.D. only on 11.06.2022.

7. We find no reason to entertain the appeal nor the applications filed. We reject the appeal and also the Interlocutory Applications filed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	09.12.2024
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