

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1869 of 2020

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Amitesh Mishra Son of Late Suresh Mishra Resident of 86-A Gandhipath,
Nehru Nagar, P.S.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Education Department, Govt. of Bihar, Patna.
2. The Chairman, Bihar Public Service Commission, Patna-15, Jawahar Lal Nehru Marg, Bailey Road, Patna.
3. Special Secretary-cum-Examination Controller, Bihar Public Service Commission, Patna-15, Jawahar Lal Nehru Marg, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv. Mr. Binod Kumar Mishra, Adv.
For B.P.S.C.		Mr. K.K. Jha, Sr. Adv. Mr. Amish Kumar, Adv.
For the State	:	Mr. Madhukar Mishra, AC to SC-16

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 15-07-2024 Heard learned counsel for the parties.

2. The present writ petition has been filed for the following reliefs:

“(i) To appoint the petitioner to the Post of Assistant Professor, Department of History because the petitioner was filled up the form in pursuance to Advertisement No. 53 of 2014 but the authority rejected the application with remark that only NET marks is attached but not Ph. D. so he is not eligible for appear for interview for the Post of Assistant Professor and sat over the matter.

(ii) To direct the respondents to consider the case of the petitioner because he is fully



eligible for interview as the per norms and rules under the Act because he fulfilled the all criteria and passed Master Degree with 55% and in NET 73% marks before the 2015 as per advertisement.

(iii) To quashed the list issued by the Bihar Public Service Commission in which the name of the petitioner appear at serial no. 5740 and Roll No. 53017209 with given remarks that the petitioner has furnished only NET marks and P.G. marks not Ph. D. marks which is not required under the criteria in the advertisement is only the eligible candidate must have passed P.G. with 55% marks and qualified in NET and the petitioner secured 62%.

(iv) To direct the respondent authority to dispose of the representation filed by the petitioner within time pending before the Secretary -cum- Examination Controller since 21.09.2017 and since last 2 and half years no such information was given to the petitioner for hearing the on representation 21.09.2017.”

3. Learned counsel for the petitioner submits that the petitioner in pursuance to the Advertisement No. 53/2014 applied for the Post of Assistant Professor. He submits that as a matter of fact the B.P.S.C. issued a list of candidates, who are



ineligible for the Post of Assistant Professor, in which the name of the petitioner appears at Serial No. 5740 with Roll No. 5307209 with a remark that the petitioner is not eligible for selection because he has filled up marks-sheet of NET in place of Certificate of NET. He lastly submits that petitioner filled up the form with relevant documents as required by B.P.S.C. but in place of Certificate of NET, he filled up marks-sheet of NET.

4. A counter affidavit has been filed on behalf of the B.P.S.C. in which it is stated that the petitioner was kept under 'only NET marks attached' and 'no Ph.D.' as per the information filled up by him in Column-11 of his application form, therefore, he was kept in the list of ineligible candidates which is clear from the list and he was not called for interview.

5. Having heard learned counsel for the parties and the materials available on record, in my opinion, the petitioner is himself at fault because he had not filled up the application form properly and correctly and the B.P.S.C. has rightly rejected the candidature and not called for the interview.

6. Accordingly, this writ application merits no consideration and is dismissed.

(Anjani Kumar Sharan, J)

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