

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.109 of 2025**

**In**  
**Civil Writ Jurisdiction Case No.7991 of 2024**

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Anuradha Singh Daughter of Sardar Birendra Kumar Singh Resident of  
Mohalla-Hari ji ka Hata, Ara, P.S.-Town, District- Bhojpur at Ara.

... .. Appellant/s

Versus

1. The Bihar State University Service Commission, BSEB Academic Building,  
Budha Marg, Patna- 800001.
2. The Chairman, the Bihar State University Service Commission, BSEB,  
Academic Building, Budha Marg, Patna- 800001.
3. The Secretary, the Bihar State University Service Commission, BSEB,  
Academic Building, Budha Marg, Patna- 800001.

... .. Respondent/s

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**Appearance :**

|                      |   |                                                                                                     |
|----------------------|---|-----------------------------------------------------------------------------------------------------|
| For the Appellant/s  | : | Mr. Amaresh Kumar Singh, Advocate<br>Mr. Omkar Kumar, Advocate<br>Mr. Dineshwar Pd. Singh, Advocate |
| For the Respondent/s | : | Mr. Pawan Kumar, Advocate<br>Mr. Utsav, Advocate<br>Ms. Diksha, Advocate                            |

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE PARTHA SARTHY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

**Date : 21-03-2025**

Heard Mr. Amresh Kumar Singh, learned  
  
Advocate for the appellant/applicant and Mr. Pawan  
  
Kumar, learned Advocate for the respondent/Bihar State  
  
University Service Commission.

**Re.: I.A. No. 01 of 2025**

2. The learned Advocate for the



appellant/applicant seeks condonation of the delay of 103 days in preferring this appeal.

3. For the reasons stated in the application, the delay of 103 days in preferring this appeal is condoned.

4. I.A. No. 01 of 2025 stands allowed.

**Re.: L.P.A. No. 109 of 2025**

5. The appellant had applied for the post of Assistant Professor in the department of Commerce against the advertisement dated 21.09.2020 issued by the Bihar State University Service Commission.

6. The Commission, while sorting the application of the appellant did not mark her for her teaching experience on the sole ground that the experience certificate offered by the appellant was not countersigned by the Registrar of University but was only signed by the Principal.

7. The contention of the appellant all through has been that the certificate of experience signed by the



Principal of the Institute was furnished along with the application form in time and only later, because of the vagueness in the advertisement regarding the time-limit for filing the experience certificate countersigned by the Registrar of the College/University, it was filed later additionally. When no marks was awarded to the appellant for shortlisting her to be considered finally for selection to the post, she approached this Court vide C.W.J.C. No. 7991 of 2024.

8. The learned Single Judge vide his judgment dated 19.09.2024 relying on ***Braj Kishore Prasad vs. State of Bihar 1998(3) PLJR 34*** and ***Bedanga Talukdar vs. Saifudaullah Khan (2011) 12 SCC 85***, in which it was held that selection process had 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, refused to interfere and rejected the prayer of the appellant.

9. Hence, this appeal.

10. The learned counsel for the appellant has taken the same set of arguments in support of the claim of the appellant that there is no doubt with respect to the genuineness of the experience certificate.

11. Apart from this, it has been urged that the advertisement itself is not very clear as to the last date for furnishing such certificate countersigned by the Registrar of the University.

12. The learned counsel for the respondent/Commission, however, pointed out that the Statute for appointment as Assistant Professor in the Universities of Bihar, 2020 provides for a detailed procedure for the appointment and selection process. Table-I of the Statute provides the methodology of distribution of points for shortlisting/selection of



candidates on the post of Assistant Professor in Universities. The chart specifies that if the Teaching/Post-Doctoral experience is less than one year, then the marks will be reduced proportionately. It may be noted here that two marks each is awardable for each year experience of teaching, to the maximum limit of ten marks. It further clarifies that credit will be given only on the basis of certificate countersigned by the Registrar of University.

13. On this reading of the Statute, Mr. Pawan Kumar, learned Advocate for the Commission submits that the advertisement in question is in complete consonance with the provisions contained in the Statute for the selection of Assistant Professors and therefore, the Commission has all along been insistent on experience certificate to be acceptable only when it is countersigned by the Registrar of University.

14. The learned Advocate for the Commission has also pointed out Clause-5.8 of the advertisement which states that all certificates and degrees regarding



educational qualification must have been issued before 02.11.2020, the closing date for filing the online application, otherwise the candidate's candidature would be rejected.

15. However we, on perusal of the facts, are of the view that not awarding any marks to the appellant on the basis of her teaching experience only on this ground would be unfair and would not be in consonance with the purposive reading of the Statute as also of the advertisement.

16. The requirement under the advertisement and the Statute is aimed at relying on a certificate which is genuine and therefore the insistence for the same to be countersigned by the Registrar of the University.

17. However, in the advertisement as also in the Statute with respect to awarding/distributing marks on the basis of experience, no such indication can be read implicitly. Nonetheless, the appellant had annexed the certificate of teaching experience along with the



application form on time. Because of the requirement of the same certificate having been countersigned by the Registrar of the University, another certificate countersigned by the Registrar was filed but after the last date.

18. Under such circumstances, especially when the process of selection has not proceeded further considerably and shortlisting for the Commerce department has not yet been done, we are of the view that such hyper-technical approach of the Commission as also of the learned Single Judge would not lead to fair treatment of a candidate. In fact, the selection process is aimed at selecting the best talent with experience. Shutting out a candidate at the preliminary stage only on this technical ground would not be in the interest of the institution as also of the applicant.

19. The learned counsel for the Commission referred to a judgment of this Court in L.P.A. No. 653 of 2024, in which the same issue was discussed. In one of



the cases, a learned Single Judge of this Court had allowed that certificate to be awarded marks with respect to the applicant therein, which was not considered to be an order or postulation in rem. In the aforementioned judgment in L.P.A. No. 653 of 2024, referred to above, the respondent/applicant's submission of the form was quite belated and at a stage when the selection process had progressed too far.

20. This would, therefore, not cause any impediment in consideration of the case of the appellant in the present circumstance.

21. There has been no dispute with respect to the fact that the selection process for the department of Commerce has not yet started.

22. Under such circumstances, we direct the Commission to consider the case of the appellant for awarding marks to her on the basis of the certificate of teaching experience subject to the confirmation of the fact that the certificate is genuine.



23. With the aforenoted observations, we allow this appeal to the extent indicated above.

24. This observation of ours is limited to the facts of the case of the appellant and would not be treated as precedent generally.

**(Ashutosh Kumar, ACJ)**

**(Partha Sarthy, J)**

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