

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4513 of 2022

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Umesh Kumar Son of Nageshwar Das Resident of Rasulpur Sohawan, P.O. -
Bhagwanpur, District- Vaishali, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Director, State Education Research and Training Council, Mahendur, Patna.
4. The Secretary, Bihar Public Service Commission, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Adv.
For the Respondent/s : Mr. Subhash Chandra Mishra (Sc 16)

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-01-2025 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Bihar Public
Service Commission.

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

“(i) For issuance of a writ in the nature of Certiorari, quashing the decision of Bihar Public Service Commission (hereinafter referred as "Commission") dated 28/02/2022 to the extent it relates to Petitioner-whereby and whereunder the candidature of petitioner in the subject of Common Group & Zoology has been cancelled on the purported ground that he did not furnish 3 year proper experience certificate of teaching at the time of Interview- which is absolutely erroneous and contrary to the facts.



ii) For issuance of a writ in the nature of Mandamus directing and commanding upon the respondent authorities to publish the result of petitioner of Interview held on 07/12/2021 & 13/12/2021 for the Subject of Common Group & Zoology, respectively under Schedule Caste Category, for Advertisement No.06/2016 issued by the Bihar Public Service Commission held for recruitment of Lecturers in State Government Training Colleges, Bihar.

(iii) For issuance of writ in the nature of Mandamus directing and commanding upon the respondent authorities to appoint the petitioner on the vacant seat of Lecturer, in State Government Training Colleges, Bihar under Schedule Caste Category for the Subject of Common Group or Zoology as per Advertisement No.06/2016 issued by the Bihar Public Service Commission forthwith.

(iv) To any other relief or relief which the petitioner may be found entitled to in the facts and circumstances of the case;

(v) Cost of this litigation.”

3. In a nutshell, the case is that the Bihar Public Service Commission has published the Advertisement No.06/2016 on 14.05.2016 for appointment on 530 posts of Lecturers in the Government Training Colleges, Government of Bihar on the basis of Limited Competitive Examination. The Clause 3 (a) (ii) of the of the aforesaid advertisement spells out the eligibility conditions wherein it has been stated that teachers working in the Government Schools, who have completed 3 years are eligible to apply. As per the requisition and recruitment rules, the essential educational qualification for the said post of



Lecturer is Post Graduation from recognized University with minimum 55 % marks and M. Ed with minimum 55% marks.

4. Learned counsel for the petitioner submits that the petitioner herein fulfills the aforesaid criteria as stated hereinabove and duly filled form in stipulated period. The petitioner having Roll No.600344 successfully appeared in the exam on 27.08.2018 and expected a positive result and selection. Thereafter, on 15.11.2021, Bihar Public Service Commission published the results of written examination in which petitioner is successfully shown to have passed in the subject of Zoology & Common Group (Annexure-P/3 of this writ petition). Thereafter, Interview Letter was issued to the petitioner to appear in the interview on 07.12.2021 & 13.12.2021 for Zoology & Common Group respectively by the Commission. Petitioner appeared in the interview on the aforesaid date.

5. He further submits that on 28.02.2022, the final result of the interview both subject wise and category wise was published by the Commission, in which it has been stated that candidature of the petitioner in the subject of Common Group & Zoology has been cancelled on the purported ground that he did not furnish three year proper experience certificate of teaching



at the time of Interview (Annexure-P/5 of this writ petition). He lastly submits that the petitioner has worked as a teacher in Rajkiyakrit Uchhtar Madhyamik Vidyalaya, Dharfari, Muzaffarpur from 04.06.2013 to 19.10.2013 & R.P.C.J. Uchh Madhya Vidyalaya, Belwarghat from 21.10.2013 to 04.12.2021. Therefore, it can be inferred that the petitioner has more than three years of experience and thus was fully eligible according to the terms of the advertisement to participate in the ongoing selection process.

6. A counter affidavit has been filed on behalf of Respondent No.4 in which it is stated that the certificate of work experience enclosed by the petitioner is from 04.06.2013 to 19.10.2013, which is less than three years.

7. Learned counsel for the Respondent No. 4 submits that in the advertisement it is mandatory for the candidate to enclose the certificate of work experience along with the application form, otherwise, the candidature of the candidate shall not be considered by the Commission. The candidature of the petitioner for the post of lecturer was cancelled on the ground that the requisite time for work experience was three years as per the advertisement, but the petitioner submitted the work experience certificate having less than three years of



experience.

8. Considering the whole conspectus of the matter and the fact that at the time of filling of application, the petitioner enclosed the certificate of work experience which is less than three years, accordingly, the present writ petition is dismissed.

(Anjani Kumar Sharan, J)

anand/-

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