

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6501 of 2025

Dr. Shweta Sundram Daughter of Late Shri Chandra Mohan Prasad, Wife of Keshav Ranjan, Resident of Karmali Chack, P.O. - Begumpur, P.S. Bypass, District - Patna- 800009.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, 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 Chairman, Bihar State University Service Commission, 8th Floor, BSEB Building (ADMIN Block), Budh Marg, Patna, Bihar.
6. The Secretary, Bihar State University Service Commission, 8th Floor, BSEB Building (ADMIN Block), Budh Marg, Patna, Bihar.
7. Rashmi having UID No. RAS15061975 SOC0041892 selected at Sr. No.6 under BC-Female Category of Sociology Subject published in merit list dated 10.01.2025, through the Registrar, Magadh University, Bodhgaya under University allotment List published dated 13.01.2025.
8. Anamika having UID No. ANA20081989 SOC0015719 Selected at Sr. No.8 under BC-Female Category of Sociology Subject published in merit list dated 10.01.2025, through the Registrar Bhupendra Narayan Mandal University, Madhepura under University allotment List published dated 13.01.2025.
9. Madhu having UID No. MAD20081976 SOC0029964 selected at Sr. No.1 under WBC Category of Sociology Subject published in merit list dated 10.01.2025, through the Registrar Patna University, Patna under University allotment List Published dated 13.01.2025.
10. Smita Roy having UID No.SMI06021983 SOC0031748 slected at Sr. No.2 under WBC Category of Sociology Subject published in merit list dated 10.01.2025, through the Registrar Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga under University allotment List published dated 13.01.2025.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the Commission	:	Mr.Harsh Singh, Advocate
For the Respondent/s	:	Ms. Vijaya Laxmi Srivastava, AC to SC 23

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH



ORAL JUDGMENT

Date : 24-04-2025

Heard learned counsel appearing on behalf of the petitioner; learned counsel for the Commission and the learned counsel for the State.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* following relief(s), which is reproduced hereinafter:-

“(i) for issuance of appropriate writ/ writs, order/orders, direction/ directions to the respondents authority particularly the Bihar State University Service Commission (herein after referred to as commission) in the nature of Certiorari to Quash and set aside the final Merit list issued by the Commission contained in Notice No. B.S.U.S.C./Vigya.-56/2023(Khand-10) 85 dated 10.01.2025 pursuant to Advertisement No.AP-SOCI-17/20-21 under Advertisement Notice dated 21.09.2020 (Annexure-1) in the Sociology Subject whereby and whereunder despite having score (Academics) 71+10 Marks (for 5 Research Publications) + 8 Marks (in interview) total 89 marks as per clause 7.1. & 7.2 table of the Advertisement Notice dated 21.09.2020 (Annexure-1), against cut off marks 83 fixed for BC-Female Category petitioner has deliberately, arbitrarily been deprived to be selected in the final merit list violating her rights guaranteed under Article 14 & 16 of the Constitution of India favouring private respondents No.7 and 8 (last selected candidates in BC-Female category) and Respondent No.9 and 10 (under WBC category).

(ii) To hold and declare that the action of the authorities concerned of the Respondent Commission in granting "0" (Zero) marks instead of 10 marks fixed for 5 Research Publications, which are Peer Reviewed Journals uploaded in the Application Form in terms of Clause 7.2(5) of the



Advertisement, is highly illegal, arbitrary, mala fide, malicious and unsustainable in the eye of law and on facts both and in the given facts of the case, the petitioner is fully entitled for being granted 10 marks for her five (5) research papers.

(iii) To issue a writ of Mandamus commanding the respondent Commission to consider 10 due marks of all Five articles published by the petitioner and the same be added to the total score of the petitioner under the rights of equality as was granted and added the marks of Articles published in the same Journals, same format and same style as selected candidates of Sociology Subject at Sr. No.33 of UR Category namely Ambuj Kumar having UID No. AMB08071977SOC0062909 and at Sr. No.34 UR Category namely Praveen Kumar Singh having UID No.PRA02111977SOC0032455 published in the final Merit list dated 10.01.2025.

(iv) To hold and declare actions of the respondent Commission erroneous in not granting full marks to the 5 research publications by the subject experts appointed by the respondent Commission, either they were incompetent to assess the marks of research publications or were biased not to consider the same marks as was granted to similarly situated other candidates who published in the same journals following same norms.

(v) To give liberty to the petitioner to implead two Subject Experts (names not known to the petitioner), through the Secretary of the Bihar State University Service Commission and the commission be directed to submit details of them to be impleaded properly as Respondent Nos. 11 & 12 to this writ petition with regard to the order dated 24.02.2025 passed in CWJC No.2450 of 2025 titled as "Dr. Chanda Kumari Vs. The State of Bihar & Others" as well as it was held by this Hon'ble Court at para-10 of the L.P.A. 830 of 2014.

(vi) To issue a writ of Mandamus commanding the respondent Commission to prepare a revised merit list taking into account the marks of the articles, having total marks claimed 89 against 83 cut off marks fixed for BC- Female category and WBC, the petitioner be declared successful replacing last



selected candidate at Sr. No.6 namely Rashmi having UID No.RAS15061975 SOC0041892 allotted Magadh University, Bodhgaya & at Sr. No.8 in BC-Female category namely Anamika having UID No. ANA20081989 SOC0015719 allotted Bhupendra Narayan Mandal University, Madhepura and Madhu having UID No. MAD20081976SOC0029964 selected at Sr. No.1 and Smita Roy having UID No.SMI06021983SOC0031748 selected at Sr. No.2 under WBC Category in the merit list published dated 10.01.2025 and University allotment List published dated 13.01.2025.

(vii) To direct the respondent authorities restraining them from issuance of any notice for joining of selected candidates to their respective Universities allotted to them dated 13.01.20025 during the pendency of the present writ application.

(viii) To pass any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is entitled for 10 marks for Research Publication and if the said marks are calculated, the petitioner will obtain total 89 marks and she will be entitled for being selected under Backward (BC) (Female Category) in subject Sociology but the failure on the part of the Commission to grant total marks under Clause 7.1 and Clause 7.2 and granting only 79 marks, which is less than cut of marks of 83, is arbitrary against the terms and conditions of the advertisement.

4. *Per contra* Mr. Harsh Singh, learned counsel appearing on behalf of the Commission submitted that due to



inadvertence, GOML Table relating to one Praveen Kumar Singh, who belongs to ST category, has been provided to show that there is no violation of Article 14 of the Constitution of India, who has obtained more marks than the petitioner. Learned counsel, however, finds it difficult to defend in view of the fact that the petitioner belongs to Backward Class (BC)(Code-05). However, he admits that the petitioner's case has to be compared with the last candidate, who has been selected and he is also Backward (BC) (Code 05) candidate. The matter relating to selection and any incorrect action taken on the part of selection body particularly by the Officers of the Commission has been deprecated time and again by this Court.

5. Mr. Harsh Singh, learned counsel appearing on behalf of Bihar State University Service Commission (hereinafter to be referred as the 'Commission') has made available a Table-G OML, After Interview, Subject – Sociology along with the information relating to SC category candidate.

Name of petitioner - **Shweta Sundram**
Sl.No.-**148**
Category- **Backward Class (BC) (Code-05)**
Physically Disabled- **No**
FFD - **No**
Residence of Bihar - **Yes,**
Gender - **Female**
Date of Birth -**14.08.1978**
System Generated total score (i) - **71**
Total Manual Generated Score (ii) – **0**



Interview Marks - **8**
Score in Descending Order - **79**

6. Heard the parties.

7. I find that the petitioner has approached this Court by filing the present writ petition, whereas she was first required to obtain information in respect of the last candidate with whom she allegedly claims to have been discriminated.

8. The details, as contained in Table GOML prepared by the Commission, giving required information relating to the petitioner has been referred by the respondent, however, in absence of information regarding the last candidate under the BC category, the case of the petitioner can not be adjudicated in absence of information regarding last candidate, however, the respondents have placed the following details in respect of a SC/ST which is as under:

Name of petitioner - **Praveen Kumar Singh**
Sl.No.-**34**
Category- **ST (Code 03)**
Physically Disabled- **No**
FFD - **No**
Residence of Bihar - **Yes,**
Gender - **male**
Date of Birth -**02.11.1977**
System Generated total score (i) - **73**
Total Manual Generated Score (ii) -**6**
Interview Marks - **11**
Score in Descending Order - **90**

9. I find that the Chairman and the Secretary of the



Commission must be more cautious to give correct information in respect of any information which is required by this Court. The present is the one case in which the officer and staff of the office of the Chairman and the Secretary of the Commission must have provided the information relating to the Backward Class category candidate. The details of SC/ST category candidate as referred to above can not be compared with the Backward Class category candidate, as such, it is contrary to law of equity and reservation.

10. In such circumstances, this Court has no alternative than to direct the Secretary of the Commission to look into the grievance of the petitioner and do the needful in accordance with law by taking appropriate remedial measure, if required without harassing the petitioner. The petitioner may be given due opportunity of hearing.

11. With the above observation and direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.05.2025
Transmission Date	NA

