

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6884 of 2022

1. Gautam Kumar Son of Late Binod Kumar, resident of Village- Kochgaon, P.S.- Warisaliganj, District- Nawada, Pin- 805130.
2. Rajeev Kumar Thakur, Son of Sri Braj Kishore Thakur, resident of Village and Post- Rampur Atauli, P.S.- Isuapur, District- Saran, Pin - 841421.
3. Amit Kumar, Son of Sri Yogendra Prasad, resident of Village and Post- Koshlipatti, P.S.- Pipra, District- Supaul, Bihar, Pin- 852108.
4. Ajay Kumar, Son of Sri Bhupendra Narayan Yadav, resident of Village- Chikani, Post- Saraigarh, P.S. - Kishanpur, District -Supaul, Bihar, Pin - 852105.
5. Vishwajeet Kumar, Son of Sri Jawahar Singh, resident of Village - Bajitpur, Post - Sanjhauli, District- Rohtas, Bihar, Pin - 802220.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Science and Technology Department, Government of Bihar, Technology Bhawan, Vihweswaraiya, Bhawan Campus, Patna - 800001.
2. The Joint Secretary, Science and Technology Department, Government of Bihar, Technology Bhawan, Vihweswaraiya, Bhawan Campus, Patna - 800001.
3. The Bihar Public Service Commission, through the Secretary, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna - 800001.
4. The Chairman, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna - 800001.
5. The Secretary, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna - 800001.
6. All India Council for Technical Education, through its Secretary, Nelson Mandela Marg, Vasant Kunj, New Delhi- 110070.
7. The Chairman, All India Council for Technical Education, Nelson Mandela Marg, Vasant Kunj, New Delhi- 110070.
8. The Secretary, All India Council for Technical Education, Nelson Mandela Marg, Vasant Kunj, New Delhi- 110070.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6930 of 2022

1. Gautam Kumar Son of Late Binod Kumar, resident of Village- Kochgaon, P.S.- Warisaliganj, District- Nawada, Pin- 805130.
2. Rajeev Kumar Thakur, Son of Sri Braj Kishore Thakur, resident of Village and Post- Rampur Atauli, P.S.- Isuapur, District- Saran, Pin - 841421.



3. Amit Kumar, Son of Sri Yogendra Prasad, resident of Village and Post-Koshlipatti, P.S.- Pipra, District- Supaul, Bihar, Pin- 852108.
4. Ajay Kumar, Son of Sri Bhupendra Narayan Yadav, resident of Village-Chikani, Post- Saraigarh, P.S. - Kishanpur, District -Supaul, Bihar, Pin - 852105.
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4. The Chairman, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna - 800001.
5. The Secretary, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna - 800001.
6. All India Council for Technical Education, through its Secretary, Nelson Mandela Marg, Vasant Kunj, New Delhi- 110070.
7. The Chairman, All India Council for Technical Education, Nelson Mandela Marg, Vasant Kunj, New Delhi- 110070.
8. The Secretary, All India Council for Technical Education, Nelson Mandela Marg, Vasant Kunj, New Delhi- 110070.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 6884 of 2022)

For the Petitioner/s	:	Mr.Navin Prasad Singh
For the Respondent/s	:	Mr. P.K. Shahi, AG
	:	Mr. Vikash Kumar, AC to AG
	:	Mr. Sanjiv Kumar, ACT to AG
For AICTE	:	Ms. Archana, Adv.
For BPSC	:	Kaushal Kumar Jha, Adv.
	:	Mr. Zaki Haider, Adv.
	:	Mr. Amish Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 6930 of 2022)

For the Petitioner/s	:	Mr.Navin Prasad Singh
For the Respondent/s	:	Mr. P.K. Shahi, AG
	:	Mr. Vikash Kumar, AC to AG
	:	Mr. Sanjiv Kumar, ACT to AG
For AICTE	:	Ms. Archana, Adv.
For BPSC	:	Kaushal Kumar Jha, Adv.



Mr. Zaki Haider, Adv.
Mr. Amish Kumar, Adv.

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

Date : 28-01-2025

1. Both the writ petitions have been filed challenging the validity of Table -2 of Appendix -1 of Bihar Engineering Education Service Rules, 2020 wherein benefit of weightage of 5 marks per year (maximum 25 marks) has been given to the candidates working on contract basis on the post of Assistant Professor under the Department of Science and Technology, Govt. of Bihar and possessing minimum eligibility for recruitment to the post of Assistant Professor in Bihar Engineering Education Service to be appointed as regular Assistant Professor in the Department of Humanities & Science and Engineering /Technology in various Govt. Engineering Colleges in the State of Bihar as also the basis of selection in Clause-5 of



the Advertisement Nos. 11/2020 dated 09.07.2020, 36/2020 dated 28.08.2020, 44/2020 dated 01.09.2020, 51/2020 dated 09.09.2020 and 52/2020 dated 09.09.2020 for regular appointment of Assistant Professor in Electrical Engineering, Civil Engineering, Computer Science and other streams.

2. The issue stands fully covered by judgments of this Court in ***CWJC No. 16043 of 2021 (Saurabh Bhushan Sahay v. The State of Bihar and Others)***, ***CWJC No. 855 of 2015 (Dr Dharmbir Kumar and Others vs. the State of Bihar and Anr.)***; ***2015 (2) PLJR 916, CWJC No. 8225 of 2015 (Shailesh Chandra Gupta vs. the State of Bihar and Anr.)*** as also in ***CWJC No. 18302 of 2022 (Abhay Kumar Patel and Others vs. the State of Bihar and Others)***.

3. The fresh contention on behalf of the petitioners is that the aforementioned rules and the Advertisement issued thereunder are in derogation of the rules of All India Council of Technical



Education (AICTE) regarding grant of weightage.

4. Clause -2.25 of the AICTE Rules clearly provides for counting of past service for direct recruitment and promotion. In fact, in the counter affidavit filed on behalf of the AICTE, it has clearly been averred that there is no deviation from the minimum qualification as prescribed by the council for the post of Assistant Professors.
5. Thus the issue raised on behalf of the petitioners has already been decided.
6. Both the writ petitions are disposed of in terms of the aforementioned judgments of this Court.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.01.2025
Transmission Date	NA

