

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.799 of 2024

In
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, Patna, District- Patna.

... .. Appellant/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 Appellant/s	:	Mr.Sunil Kumar Singh, Advocate
For the State	:	Mr. AAG-13
For the BPSC	:	Mr. Kaushal Kumar Jha, Sr. Advocate Mr. Amish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 23-07-2025

Heard the learned counsel for the parties.

2. The present intra-court appeal is directed against the order dated 15.07.2024 passed by learned Single Judge in CWJC No.1869 of 2020, whereby the said writ petition filed by the appellant-writ petitioner, was dismissed.

3. The learned counsel for the appellant submits that in the month of December 2014, an Advertisement No. 53 of



2014 for the post of Assistant Professor was published. The appellant made an application for the post. On 13.07.2015, Bihar Public Service Commission (for brevity 'Commission') issued a receipt for the appellant mentioning his Roll No. 53017209. Further, the Commission issued a list of ineligible candidates, and the name of the appellant was there at Serial No. 5740, mentioning his roll number with remarks that the appellant only had submitted NET marks and no Ph.D., and also it was mentioned that ineligible candidates can give their representation by post or e-mail by 25.10.2017, and only such applicants will be considered. In response, the appellant had filed a representation. Further, a notice was issued on 16.11.2018, informing the appellant that his name was not in the list of interview scheduled. Meanwhile, a notice was issued by the Commission on 03.11.2018, which has been relied upon by the appellant. The said notice states that a list of the rest of the candidates for interview will be released later on. The appellant waited for decision of the Commission on his representation, but no order or notice had ever been issued by the Commission for hearing of his representation. Further, the Commission had issued a final list for selected candidates for the post of Assistant Professor on 25.05.2019, which indicates that the Commission



didn't consider the representation of the appellant.

4. The learned counsel for the State-respondents contended that the appellant was an ineligible candidate because the information filled up by him in Column-11 of the application form was not as per the requirement, i.e, he had uploaded NET marks and no Ph.D., and further, he was not called by the Commission for an interview because of the unavailability of the required documents as prescribed by Clause 8(iii) of the advertisement issued for the said post.

5. After going through the records of this case, it appears that the appellant-writ petitioner did not submit the NET qualifying certificate at the time of applying for the said post, and also not while filing the representation in response to the notice stating his ineligibility, which was required in terms of the advertisement made for the post of Assistant Professor. The contention of the Commission that the appellant had not submitted the certificate relating to the Ph.D and necessary documents prior to the cut-off date, cannot be considered on a later date. The further contention is that the Commission had given a chance to ineligible candidates to file representation against their ineligibility, provided that they had attained the essential qualifications for the post before the last date of



application, but the appellant had not submitted a Ph.D. certificate but again submitted the NET mark sheet. Thus, the Commission did not include the name of the appellant in the list of candidates called for interview. This fact has not been controverted by the appellant either before the Writ Court or before this Court. The learned Single Judge, while passing the order impugned, has proceeded on the same premise and has upheld the decision of the Commission rejecting the application of the appellant.

6. In view of the facts and discussion made above, we do not find that it is a fit case for interference. Thus, finding no merit in the present appeal, the same is dismissed.

7. Pending application(s), if any, stands disposed of.

(Sudhir Singh, J)

(Ramesh Chand Malviya, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2025
Transmission Date	

