

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19956 of 2021

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Mithilesh Kumar S/o Sri Ramjatan Yadav, Resident of Village - Saren Tola
Saho Bigha, P.O. - Saren, P.S. - Makhdumpur, District - Jehanabad.

... .. Petitioner/s

Versus

1. The Bihar State University Commission through its Secretary, 8th Floor, Bihar School Examination Board, Academic Building, Budh Marg, Patna - 1
2. The Chairman, Bihar State University Commission, 8th Floor, Bihar School Examination Board, Academic Building, Budh Marg, Patna - 1.
3. The Secretary, Bihar State University Commission, 8th Floor, Bihar School Examination Board, Academic Building, Budh Marg, Patna - 1

... .. Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Priyadarshi Matri Sharan, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 17-06-2025 No one appears on behalf of the petitioner.

However, learned counsel for the respondents is present.

2. Petitioner has *inter alia* prayed for following reliefs

in the paragraphs No.1 of the writ petition:-

“That this is an application for issuance of a writ in the nature of Mandamus and/or any other appropriate writ, order of direction commanding upon the respondents to allow the petitioner to appear in the interview, scheduled to be held on 2.12.2021, for appointment to the post of Assistant Professor for the Statistics subject in the constitute colleges of the universities in Bihar State holding that the rejection of the candidature of the petitioner vide notice no.1120 dated 19.11.2021 on the ground of 5 points certificate relating to his Ph.D degree has been issued on 16.11.2021 is arbitrary and illegal and be pleased to quash the said notice no.1120 dated 19.11.2021, so far the petitioner is concerned, by issuing a writ in the nature of certiorari.”

3. Specific information has been given on behalf of respondents no.1 to 3 in their counter affidavit in paragraphs



no.8, 9 and 10 which are reproduced hereinafter:

“8. That the answering deponent further humbly states that the commission resolved that any application which has not been uploaded up to 10.12.2020 online on the prescribed website and hard copy of the same if has not reached till 30.12.2020 up to 5:00 PM shall not be entertained as per the advertisement clause.

9. That for ready reference, the advertisement schedule is / was as follows

<i>Date of Advertisement</i>	<i>21.09.2020</i>
<i>Last date of online application as per advertisement dated 21.09.2020</i>	<i>02.11.2020 sending hard copy thereof by 24.11.2020 upto 5:00 PM</i>
<i>Last date of online application (Extended date)</i>	<i>10.12.2020</i>
<i>Last date of receipt of printed hard copy of online application</i>	<i>30.12.2020 up to 5:00 PM only by Registered/Speed post.</i>

10. That the answering deponent with regard to aforesaid averments humbly submits that the prayer of the instant petitioner is not acceptable in view of the fact that Clause 5.8 of the advertisement which itself speaks 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 will be rejected.”

4. The respondents have further specifically informed in paragraph no.11 of the counter affidavit that the NET/SLET/SET qualified candidates are only deemed to be eligible candidate for appointment on the post of Assistant Professor as per the eligibility criteria defined in the Statute of the appointment, as well as, in the advertisement. Further the



candidate must pass the Ph.D degree in accordance with the UGC Regulation, 2009 or 2016. The petitioner, who had obtained the Ph.D degree prior to 2009 having not submitted a certificate as per the Clause 4.1 A (ii) of the Advertisement No.42/2021, had applied for the post of Assistant Professor in Statistics subject pursuant to the said advertisement.

5. It is further informed that the selection process pursuant to the Advertisement No.42/2021 has already been concluded and the writ petition has become *infructuous*.

6. In view of the specific information contained in the counter affidavit in above paragraphs, I find that the petitioner has not fulfilled the terms and conditions of the advertisement as contained in Clause 4.1(A)(ii) thereof.

7. The writ petition is, accordingly, dismissed.

8. Interlocutory Application(s), if any, also stands dismissed.

(Purnendu Singh, J)

Sanjay/-

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