

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.434 of 2022

Dr. Mona Bala Daughter of Sri Yogendra Prasad Sinha, resident of Mohalla-Kadamkuan, P.S.-Kadamkuan, District-Patna.

... .. Petitioner/s

Versus

1. The Patna University through Vice-Chancellor, Patna University, Patna.
2. The Vice Chancellor, Patna University, Patna.
3. The Registrar, Patna University, Patna.
4. Dr. Sudha Mishra, Wife of not known, the then Head of the Department Sanskrit Patna University, Patna.
5. The Head of the Department, Department Sanskrit Patna University, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ram Shankar Prasad
For the Respondent-4	:	Mr. Prabhakar Mishra
For the University	:	Mr. Manish Dhari Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 01-05-2025 1. The present application has been filed for directing the respondent no. 3 i.e. the Registrar, Patna University, to issue experience certificate of teaching in favour of the petitioner on the basis of working certificate issued by the Head of the Department of Sanskrit, Patna University, in favour of the petitioner for the period from 15.10.2015 to 16.10.2020.

2. By filing I. A No. 01/2022, the petitioner has further prayed for quashing of the letter no. G/2596, dated 16.09.2022, issued by the Registrar, Patna University, by which the teaching/working experience certificate issued by the HOD, Sanskrit in favour of the petitioner has been cancelled.



3. The petitioner has claimed that she started teaching Post Graduate students in the Department of Sanskrit on 15.10.2015 and continued till 02.12.2020, in this regard, Dr Sudha Mishra, HOD, Sanskrit, Patna University, has issued a working certificate/teaching experience certificate, dated 16.10.2020, in favour of the petitioner.

4. Based on the above said working certificate/ teaching experience certificate issued by the HOD, Sanskrit, the petitioner filed a representation, dated 29.10.2020, before the Registrar, Patna University, with a request to issue experience certificate of teaching for the said period.

5. Learned counsel for the petitioner submits that the petitioner took Post Graduate classes from 15.10.2015 to 02.12.2020 as a guest faculty in the Department of Sanskrit and in that regard the HOD, Sanskrit, has issued teaching experience certificate on 16.10.2020, acknowledging the work of the petitioner.

6. Learned counsel for the petitioner relies upon the judgment of Hon'ble Supreme Court in the case of **Dr. Asim Kumar Bose v. Union of India and Ors.**, reported in (1983) 1 SCC 345, in paragraph 29 as follows:-

29. It is necessary to emphasise that the recruitment rules



nowhere provide that the teaching experience gained by a Specialist in a teaching hospital in the capacity of an Associate Professor (ex-officio) shall not count towards the requisite teaching experience. There is no provision made in the Rules that the teaching experience must be gained on a regular appointment. There is hardly any difference so far as teaching experience is concerned whether it is acquired on regular appointment or as Specialist in a teaching hospital with the ex-officio designation. As the statutory rules do not provide that the teaching experience gained in an ex-officio capacity shall not count towards the requisite teaching experience, the teaching experience gained by the appellant while holding the post of Radiologist-cum-Associate Professor of Radiology (ex-officio) in the Irwin Hospital cannot be ignored in determining his eligibility for appointment as Professor or Radiology in Maulana Azad Medical College.

7. He further submits that denial of the respondent-University in issuing experience certificate of teaching in favour of the petitioner is arbitrary and unreasonable.

8. Learned counsel for the Patna University submits that the HOD, Sanskrit, Patna University, honouring the gesture of the petitioner for her dedication and request for taking classes, allowed her to engage classes for her own benefits, keeping in mind her academic interest.



9. He further submits that the letter of appreciation/working certificate of the petitioner was issued by the HOD, Sanskrit. The petitioner was never appointed as faculty of the University and at no point of time, the University Administration/Registrar/Vice-Chancellor, allowed the petitioner to work as guest faculty.

10. As per the circular and the rules of the University and the precedents, the word “guest faculty” is applied to the teaching faculty, who is appointed by the University on temporary basis for which payment is made. The experience certificate is issued by the Registrar incorporating the experience of teaching of the guest faculty. This fact has also been reiterated and clarified by Dr. Sudha Mishra, HOD, Sanskrit, in her letter no. Ref. S/PU/20/74, dated 23.12.2020. So, the petitioner-Dr. Mona Bala had never been appointed as guest faculty, but as a good gesture, she was allowed to take classes of Post Graduate students in the Sanskrit Department. Accordingly, the petitioner is not entitled for the teaching experience certificate from the Registrar of the University.

11. A separate counter affidavit has been filed by the respondent no. 4-Dr. Sudha Mishra i.e. HOD, Sanskrit, Patna University, and it has been submitted that the petitioner was not



appointed officially by the University or the HOD, Sanskrit, on any teaching post as a guest faculty. Regarding the teaching experience certificate, dated 16.10.2020, annexed at Annexure P/2, it has been submitted that the said certificate was issued as a token of gesture to the petitioner for her dedication towards engaging the classroom for her own benefit on honorary basis. At the time of issuance of the teaching/working certificate by the HOD, Sanskrit, the petitioner was informed that the said certificate would not be valid for the University and/or for the appointment on the post of assistant professor. Despite having this information, the petitioner has applied to the Registrar, Patna University, for issuance of teaching experience certificate.

12. It has been submitted that in the meeting of Department Council held on 21.12.2020 to discuss the matter related to the petitioner, Department Council decided that the certificate issued to the petitioner is honorary in nature and therefore the same has been cancelled.

13. By way of reply, learned counsel for the petitioner submits that it is a fact that the petitioner was not appointed by the Registrar, Patna University, nor she was paid any remuneration.

14. Upon rival submissions of the parties, the issue



which requires consideration is whether the petitioner was entitled for a formal teaching experience certificate to be issued by the Registrar of the Patna University.

15. From perusal of the letter no. 1089, dated 16.10.2020, issued by the Registrar, Patna University to the Heads of the P.G. Department, Patna University, pertaining to counter signing of the teaching experience certificate, it appears that Principals/HoDs/Directors, were required to re-verify the certificates taking responsibility of its correctness in relation to appointment, attendance records, payments, service without break, etc. and after verification of the same forward to the University Headquarters with remarks “re-verified” and duly signed by the HoD/Principal/Director.

16. Further, by letter no. 941, dated 05.10.2020, issued by the Registrar, Patna University, a communication was made to the HODs of P.G. Department, Principals of Colleges, Directors of Institutions of Patna University that only those experience teaching certificates shall be forwarded for counter signing by the Registrar if the order of the appointment, as guest faculty or temporary teachers, has been issued by University.

17. It is not in dispute that the petitioner was not formally appointed by the University as guest faculty or



temporary teacher.

18. On her own admission, as stated by the petitioner in para-6 of the rejoinder to the counter affidavit, she never received any appointment order or salary from the University. The petitioner's engagement to hold classes was made voluntarily by the HOD, Sanskrit, Patna University, as a good gesture and goodwill during the period, the petitioner was doing Ph.D and subsequently thereafter. As such, arrangement, however, well intentioned, does not confer any legal right or entitlement to the petitioner for issuance of teaching experience certificate from the Registrar, Patna University.

19. The judgement by the Hon'ble Supreme Court Dr. Asim Kumar Bose (Supra) which has been relied upon by the petitioner is not applicable in the facts of the present case.

20. The petitioner's claim for a formal teaching experience certificate from the Registrar of the Patna University lacks legal basis. In the absence of formal appointment letter, payment of salary, attendance register or any service record maintained by the University, it is difficult for this Court to direct the Statutory Authority to issue certificate, contrary to be University's circular, norms and procedures.

21. Accordingly, this court does not find any procedural



or substantive regularity/illegality in the action of the respondents-authorities.

22. In the result, this writ application is dismissed.

(Anil Kumar Sinha, J)

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