

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1003 of 2024

In

Civil Writ Jurisdiction Case No.14345 of 2024

Dr Shishu Pal Singh @ Shishu Pal Singh, male, aged about 43 years, Son of Late Ram Sahaya Singh, Resident of Ganga Nagar Colony, Near Mangalam Vatika, Sarai Dangari Kala, P.O. Tikari, P.S. Chitaepur, District- Varanashi (U.P).

... .. Appellant

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Department of Education, Government of Bihar, Patna.
3. The Bihar State University Service Commission through its Chairman, 8th floor, Bihar School Examination Board Academic Building, Buddha Marg, Patna - 800001.
4. The Chairman, Bihar State University Service Commission, 8th Flor, Bihar School Examination Board Academic Building, Buddha Marg, Patna - 800001.
5. The Secretary, Bihar State University Service Commission, 8th Floor, Bihar School Examination B Board Academic Building, Buddha Marg, Patna - 800001
6. The Veer Bahadur Singh Purvanchal University, Jaunpur (U.P) through the Registrar, the Administrative Block, Shahganj Road, Siddikpur, Deokali, Uttar Pradesh 222003.
7. The Vice - Chacellor, Veer Bahadur Singh Purvanchal University, Jaunpur (U.P.) the Administrative Block, Shahganj Road, Siddikpur, Deokali, Uttar Pradesh 222003.
8. The Registrar, Veer Bahadur Singh Purvanchal University, Jaunpur (U.P.) the Administrative Block, Shahganj Road, Siddikpur, Deokali, Uttar Pradesh 222003.

... .. Respondents

Appearance :

For the Appellant : Mr. Sanjay Kumar, Advocate
For the Commission : Mr. Tuhin Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

and

HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 24-07-2025

The present intra court appeal is directed against



the judgment of the learned Single Judge dated 23.09.2024 passed in CWJC No. 14345 of 2024, whereby, the writ petition filed by the appellant was dismissed by the learned Single Judge, with costs, as the writ petition was devoid of merits.

2. As per the facts on record, the appellant had submitted an application for appointment on the post of Assistant Professor (Physics), in terms of the Advertisement dated 21.09.2020, which was issued by the Bihar State University Service Commission (hereinafter referred to as 'the Commission'). As per the terms and conditions of the Advertisement, different weightage was to be given under the different headings of Educational and Experience Qualifications. One of such heading was 'Teaching/Post Doctoral Experience', for which the appellant had submitted an Experience Certificate. However, he could not submit the appropriate certificate, as required by the Commission, thus, marks of such heading were not added to the overall marks of the appellant. The appellant could not qualify for the interview which was to be held for the post he applied for. The appellant moved before the Writ Court to allow him to participate in the



interview process.

3. The learned Single Judge, while rendering this decision, considered the fact that the writ petitioner/appellant was unable to submit the required Experience certificate in the format prescribed by the Commission, before the cut-off date prescribed in the advertisement, therefore, he could not be allowed to participate in the interview, and no relaxation in the selection procedure can be allowed unless such powers are expressly given under the Rules or advertisement.

4. The learned counsel for the appellant submitted that the appellant/ writ petitioner vide Annexure-P/10 of the writ application made all possible efforts to obtain the teacher experience certificate within the stipulated period of time, but could not get. The defect in the experience certificate produced by the appellant was that it was not countersigned by the Registrar of the Veer Bahadur Singh Purvanchal University, which the appellant tried his best to get it signed. The learned counsel for the appellant further submitted that the experience certificate issued by the Registrar dated 14.10.2020, originally, was the same, as was issued on 13.09.2024, which was



countersigned after making the Registrar of said University Respondent in the writ petition.

5. The learned counsel for the Respondents relied on the order dated 29.10.2024 by a Coordinate Bench of this Court in LPA No. 698 of 2024 where a similar matter had been decided by the court. The petitioner in that case also did not submit the correct experience certificate within the requisite time which was not considered by the concerned authorities. The Coordinate Bench of this Court held that the candidate did not possess the necessary experience certificate, as the same was not produced on the last date mentioned by the selecting authority.

5. We have heard the learned counsel for the appellant and the Respondents and have also gone through the impugned order passed by the learned Single Judge.

6. The question that requires consideration by this court is whether the impugned order passed by the learned Single Judge requires any interference in the present appeal.

7. The learned Single Judge, also placed reliance on the Judgment of the Hon'ble Supreme Court in ***Bedanga Taukdar v. Saifudaullah Khan : (2011) 12 SCC***



85, and a Full Bench judgment of his court in the case of ***Braj Kishore Prasad v. State of Bihar : 1998 (3) PLJR 34***, where it had been observed that the selection process has to be conducted strictly in accordance with the stipulated selection procedure and the same has to be maintained unless otherwise specified by the Rules.

8. In the present case, since, the appellant failed to submit the Experience Certificate in the prescribed format, before the cut-off-date mentioned in the advertisement, therefore, the learned Single Judge had rightly observed that no valid experience certificate was produced before the Commission, within the stipulated period. The judgment of the Hon'ble Supreme Court, as referred by the learned Single Judge, clearly states that the Rules and schedule of recruitment should be strictly followed. The appellant in this case had though submitted an experience certificate, same was required to be counter-signed by the Registrar of the University, and since the certificate of the appellant was not counter-signed, therefore, it is not treated valid.

9. In view of the above, finding no merit in the present appeal, the Appeal stands dismissed.



10. Pending application(s) if any, shall stand disposed of.

(Sudhir Singh, J)

(Ramesh Chand Malviya, J)

Gaurav Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.07.2025
Transmission Date	NA

