

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18284 of 2024

1. Hari Shankar Kumar, Son of Ram Naresh Sharma, Resident of Village/Mohlla - Narma, P.S. - Hathauri, District - Muzaffarpur.
2. Anil Kumar, Son of Jhulan Singh, Resident of Village /Mohalla - Rampur Noornagar, P.O. - Kanhi, P.S. Jalalpur, District - Saran.
3. Vidya Nand Ram, Son of Gauri Ram, Resident of Village/Mohalla - Bargaon, P.O. - Bargaon, P.S. Mairwa, District - Siwan.

... .. Petitioner/s

Versus

1. Bihar State University Service Commission, 8th Floor, Bihar School Examination Board, Academic Building, Buddha Marg, Patna-800001 through its Secretary.
2. The Secretary, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board, Academic Building, Buddha Marg, Patna - 800001.
3. Jai Prakash University, Rahul Sankritayan Nagar, Chapra through its Registrar.
4. The Vice Chancellor, Jai Prakash University Rahul Sankritayan Nagar, Chapra.
5. The Registrar, Jai Prakash University Rahul Sankritayan Nagar, Chapra.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Arun Kumar, Advocate
For the BSUSC	:	Mr. Tuhin Shankar, Advocate
For the JPU	:	Mr. Bindhyachal Rai, Advocate
		Mr. Chandan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-03-2025 Heard Mr. Arun Kumar, learned counsel for the petitioners, Mr. Tuhin Shankar, learned counsel appearing on behalf of the Bihar State University Service Commission and learned counsel appearing on behalf of the Jai Prakash University.

2. Learned counsel appearing on behalf of the petitioners submits that the instant writ application has been



filed seeking quashing of the decision taken by the Bihar State University Service Commission (hereinafter referred to as 'the Commission') with regard to the petitioners as mentioned at Serial No. 858, 837 and 308 in the Public Notice dated 14.10.2024 whereby the application of the petitioners for appointment on the post of Assistant Professor in the subject of History pursuant to Advertisement No. AP-HIST-08/20-21 has been rejected on the ground that five point certificate of Ph.D. has not been issued by the authorized authority. Further, for a direction upon the respondent Commission to reconsider the application of the petitioners for appointment on the post of Assistant Professor in the subject of History in view of the fact that the petitioners are eligible for the said post. Further, to direct the Commission to issue interview letter to the petitioners also and to allow them to participate in the selection process by accepting the five point Ph.D. degree of the petitioners no. 1 and 2 as certified by the Registrar of the respondent University dated 23.10.2024 and five point Ph.D. degree of the petitioner no. 3 as issued by the Dean of the University dated 19.10.2020.

3. Learned counsel appearing on behalf of the Commission at the outset submits that as far as petitioner no. 3 is concerned, he had submitted the five point Ph.D. degree



issued by the Dean dated 19.10.2020 and the same was in terms of the Advertisement No. AP-HIST-08/20-21, as such, the petitioner no. 3 was issued interview letter and he participated in the selection process, as such, the grievance of the petitioner no. 3 stands redressed. It is further submitted that as per Clause 4.1(ii) of the Advertisement No. AP-HIST-08/20-21 a candidate who intended to participate in the selection process for being considered for appointment on the post of Assistant Professor, History, he had to submit his five point Ph.D degree duly signed by the Registrar of the concerned University on or before 10.12.2020. It is next submitted that it is an admitted fact that petitioners no. 1 and 2 though submitted the five point Ph.D. degree prior to the cut off date but then the same was not signed by the Registrar/Dean of the University rather was issued under the signature of the Vice-Chancellor of the University, hence, the candidature of petitioners no. 1 and 2 was rejected on the ground that five point Ph.D. degree was issued in breach of the condition laid in Advertisement No. AP-HIST-08/20-21.

4. Learned counsel appearing on behalf of the Commission further draws the attention of the Court to the order impugned at page 62 of the writ application and submits that from perusal of Clause 7 of the order impugned, it would



manifest that the same clearly records that those candidates whose candidature has been rejected on the ground that they have not submitted their five point Ph.D. certificate duly signed by the Registrar of the concerned University shall not be given any further opportunity to produce the same. It is next submitted by the learned counsel appearing on behalf of the Commission that when the law laid down by this Court as well as by the Hon'ble Supreme Court is that the selection process has to be conducted strictly in accordance with the stipulated selection procedure prescribed in the advertisement and there exists no provision for relaxation of the terms and conditions of the advertisement, either in the advertisement or in the relevant recruitment rules, as such, the candidature of such candidate cannot be considered and for the said proposition relies on an order dated 23.07.2024 in C.W.J.C. No. 10670 of 2024 (Dr. Alok Kumar Singh Vs. The State of Bihar & Ors.) and other analogous cases.

5. Learned counsel appearing on behalf of the petitioners is not in a position to rebut the submissions of the learned counsel appearing on behalf of the Commission.

6. The Court is in complete agreement with the submissions made by the learned counsel appearing on behalf of



the Commission, as such, finds no merit in the writ application.

7. Hence, the writ application is dismissed.

(Satyavrat Verma, J)

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