

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19251 of 2024

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Niranjan Kumar Nirala Son Late Janardan Mandal, resident of Village-
Bhawanipur, P.S.- Singheshwar, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. Bihar State University Service Commission, 8th floor Bihar School Examination Board Academic Building, Buddha Marg Patna - 01 through its Secretary.
4. Chairman, Bihar State University Service Commission, 8th floor Bihar School Examination Board Academic Building, Buddha Marg Patna.
5. Secretary, Bihar State University Service Commission, 8th floor Bihar School Examination Board Academic Building, Buddha Marg Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binodanand Mishra- Advocate
For the Respondent/s	:	Mr. Additional Advocate General (4)
		Mr. AC to AAG-4
For the BSUSC	:	Mr. Rakesh Kumar Singh- Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-04-2025 1. Heard learned counsel for the petitioner, the learned counsel appearing on behalf of the Bihar State University Service Commission (in short 'Commission') and learned AC to AAG-4 for the State.

2. The writ application is fit to be dismissed with cost of Rs.25,000/- which is to be deposited by the petitioner with the Legal Aid of the Patna High Court for the reasons to be recorded herein after.

3. The learned counsel for the petitioner submits that



petitioner in pursuance of Advertisement No.23 of 2020-21 dated 21.09.2020 issued by the Bihar State University Service Commission had applied for being considered for appointment on the post of Assistant Professor in the Department of Mathematics. The learned counsel submits that since the petitioner was having the requisite eligibility, as such, he had applied and thereafter, his application was scrutinized and the Commission intimated the petitioner that he has been selected for participating in the interview. It is submitted that petitioner participated in the interview on 23.07.2024 and thereafter, his result was published on 26.07.2024, whereby the candidature of the petitioner was not recommended for being considered for appointment as Assistant Professor Mathematics.

4. The learned counsel appearing on behalf of the Commission submits that the result was published on 26.07.2024, but then, the petitioner did not assail the same immediately rather waited for four months and thereafter, on 27.11.2024 filed the instant writ application seeking a direction upon the respondents to consider the case of the petitioner for appointment as Assistant Professor in Mathematics in pursuance of Advertisement No.23/2020-21 dated 21.09.2020 after counting the period of teaching experience in the affiliated



college, affiliated to B. N. Mandal University, Madhepura.

5. The learned counsel for the Commission next submits that it absolutely does not stand to reason that on what basis the instant writ application has been filed. It is submitted that the result was published on 26.07.2024 and the candidature of the petitioner was not recommended for being considered for the Post of Assistant Professor Mathematics, thereafter, the instant writ application came to be filed, but then, the petitioner has not assailed the result by which his candidature was not recommended rather has sought a direction upon the authorities to consider his case for appointment. It is thus submitted that when the result is not under challenge, then how this Court would issue a writ of mandamus directing the authorities to consider the case of the petitioner for appointment.

6. The learned counsel for the Commission further submits that the writ application also suffers from another infirmity i. e. non-joinder of necessary party. It is submitted that in the event, if the writ application is allowed, then the last person, who was selected, will get adversely affected, as such, the said candidate was a necessary party and in his absence, the writ application cannot be adjudicated and thus, is fit to be dismissed.



7. It is also submitted by the learned counsel appearing on behalf of the Commission that the petitioner after participating in the selection process could not have challenged the selection process after being unsuccessful, which amply demonstrates that the writ application suffers from frivolity.

8. After hearing the learned counsel for the parties, the Court is in complete agreement with the submissions made by the learned counsel appearing on behalf of the Commission that the instant writ application has been filed in a very casual manner without assailing the result and necessary party being impleaded as party respondents. Further, the learned counsel for the Commission rightly points out that the petitioner after participating in the selection process could not have challenged the selection process after being unsuccessful.

9. The Court is of the considered opinion that the writ application was filed in a very callous manner and thus, is dismissed with a cost of Rs.25,000/- and the petitioner is directed to deposit the amount of Rs.25,000/- with the Legal Aid of the Patna High Court.

(Satyavrat Verma, J)

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