

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19391 of 2024

1. Rakesh Kumar Son of Ram Pravesh Sharma, Residing at Near Shiv Mandir, Budh Nagar, Road No.2, Chandmari Road, P.S.- Kankarbagh, District-Patna.
2. Prasoon Kumar Singh, Son of Sita Ram Singh, Residing at Flat No. 302, Friends Vatika Apartment, H.S. Verma Lane, Boring Road, Pani Tanki, P.S.- Patliputra, District- Patna.
3. Mohammad Arshad Hussain, Son of Naseem Uddin Ahmad, Residing at Loharwa Ghat River View Colony, P.S.-Alamganj, District- Patna.
4. Rajesh Ranjan, Son of Ramawatar Sinha, Residing at Shanti Kunj, Road No.- 4, Shivaji Nagar, Indra Nagar, P.S- Kankarbagh, District- Patna.
5. Manoj Kumar, Son of Kashi Nath Singh, Residing at Basudevan Apartment, Flat No.- 2, Veer Shivaji Path, Near Gopal Prasad Clinic, P.S.- S.K. Puri, District- Patna.
6. Sunil Kumar Bharti, Son of Ras Behari Yadav, Resident of Village- Basuari, P.S.- Ghoghardiha, District- Madhubani.
7. Akhilesh Chaturvedi, Son of Lalan Chaubey, Resident of Village- Karmahari, P.S.- Mohaniya, District- Bhabhua.
8. Kumud, Wife of Rakesh Kumar Ravi, Residing at Flat No.- 303, Block- B, Sapna Apartment, Ramnagari, Phase- 3, Ashiananagar, P.S.- Rajeev Nagar, District- Patna.
9. Anjali, Wife of Narendra Kumar Pandev Tiwari, Residing at Niwas Badi Khagaul, Gandhi School Road, P.S.- Khagaul, District- Patna.
10. Shivendra Kumar Singh, S/o- Shambhunath Singh, Residing at Chandel Niwas, West Lohanipur, P.S.- Kadamkuan, Patna.
11. Raju Kumar, S/o- Daroga Seth, Residing at- Ward No.- 8, P.S- Dinara, Dist.- Rohtas.
12. Ashish Kumar, S/o Krishna Kumar Singh, Residing at- Ramastalay, Nandanpuri Ward No.- 2, B.V. College, P.S.- Shastrinagar, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Higher Education, Department of Education, Government of Bihar, Patna.
4. The Bihar State University Service Commission, 8th Floor, Bihar School Examination Board, Academic Building, Buddha Marg, Patna- 01, through its Chairman.
5. The Chairman, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board, Academic Building, Buddha Marg, Patna- 01.
6. The Secretary, Bihar State University Service Commission, 8th Floor, Bihar



School Examination Board, Academic Building, Buddha Marg, Patna- 01.

- 7. Lalit Narayan Mishra Institute of Econmic Development and Social Change, Near Patna High Court, Patna, through its Director.
- 8. The Director, Lalit Narayan Mishra Institute of Econmic Development and Social Change, Near Patna High Court, Patna.
- 9. The Registrar, Lalit Narayan Mishra Institute of Econmic Development and Social Change, Near Patna High Court, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Brisketu Sharan Pandey, Sr. Advocate.
For the Respondent/s	:	Mr. Manoj Kumar Yadav, AC to GA-10
For the L.N.M.I.	:	Mr. P.K. Shahi, Sr. Advocate.
		Mr. Vipin Kumar, Advocate.
For the B.S.U.S.C.	:	Mr. Harsh Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 207-01-2025
1. Heard learned Senior counsel for the petitioners, learned Senior counsel Mr. P.K. Shahi on behalf of the respondent no.7 to 9, assisted by Mr. Vipin Kumar and learned AC to GA-10.

2. The learned Senior counsel for the petitioners submits that the instant writ petition has been filed seeking various reliefs but in sum and substance the reliefs sought for in the instant writ application is that petitioners being Guest faculty teachers of respondent no.7 to 9 are being barred from participating in the selection process in pursuance of the Advertisement No.BSUSC/LNMI-01/2024 for appointment on 39 vacant post of Professor/Assistant Professor in Lalit Narayan Mishra Institute of Economic Development and Social Change.



3. The case was mentioned by the learned Senior counsel appearing on behalf of the petitioners on the ground that petitioners being Guest faculty teachers of the aforesaid institute are being barred from applying in pursuance of the aforesaid advertisement and preference has been given to the contractual appointees, as such, the case be heard out of turn, hence the writ application was taken up out of turn for hearing.

4. Today, when the case was taken up, the learned Senior counsel appearing on behalf of the respondent no.7 to 9 drew the attention of the court to Annexure-P/7 at Page-96. The learned Senior counsel appearing on behalf of the respondent no.7 to 9 submitted that from perusal of Clause 2.25 at Page-96 of Annexure-7, it would manifest that the same incorporates counting of Past Service for Direct Recruitment and Promotion. It is further submitted that from perusal of Clause 2.25 (f), it would manifest that the same incorporates that the previous appointment was not as guest faculty for any duration or ad-hoc or in a leave vacancy of less than one year duration. Ad-hoc or temporary service of more than one year duration can be counted provided that:-

(I) The period of service was of more than one year.



(ii) The incumbent was appointed on the recommendation of the duly constituted Selection Committee.

(iii) The incumbent was selected for the permanent post in continuation to the ad-hoc or temporary service;

(iv) An artificial break in service shall not be used to the prejudice of employee, appointed on permanent basis. The person appointed on a permanent basis shall be given the benefit of the entire service rendered by him with effect from the date of initial appointment (temporary/contract/ad-hoc) notwithstanding the artificial break / breaks in service.

(v) The incumbent was drawing total gross emoluments not less than the monthly gross salary at the initial stage of a regularly appointed Assistant Professor, Associate Professor and Professor, as the case may be; and

(vi) At the time of selection, the negotiated terms and conditions clearly mention the period of experience, nature of experience and same has been consented by the employer.

5. The learned Senior counsel appearing on behalf of the respondent no.7 to 9 thus submits that the basic plea of the petitioners that they are Guest faculty teachers of the concerned institute and are not being allowed to participate in the selection process does not have any legs to stand for the reason that



AICTE notification dated 01.03.2019 (Annexure-7) at Clause 2.25 (f) clearly incorporates that no weightage is to be given to a Guest faculty. It is thus submitted that the main plank on which the instant writ application has been filed and mentioned has no legs to stand. It is next submitted that petitioners are free to submit their application for being considered for the aforesaid post in pursuance of the aforesaid advertisement but then it would be for the Commission either to accept or reject their application.

6. The learned Senior counsel appearing on behalf of the petitioners is not in a position to rebut the submission of the learned Senior counsel appearing on behalf of the respondent no. 7 to 9 with regard to Clause 2.25 (f) of the AICTE notification dated 01.03.2019.

7. The Court finds no merit in the writ application.

8. The writ application is dismissed.

(Satyavrat Verma, J)

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