

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.472 of 2025**

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1. Pankaj Kumar Mishra Son of Bibhuti Mishra, resident of Saraswati Shishu Bidya Mandir, Kumhar Toli Paar Nala, Near Middle School, Hazaribagh, Police Station Hazaribagh, District Hazaribagh, Jharkhand.
2. Saroj Kumar Roy, Son of Ramnandan Roy, resident of S.K. Tarafdar Road, Near Bharat Gas, Jagdishpur, Police Station - Akbar Nagar, District - Bhagalpur.
3. Shirish Chandra Jha, Son of Late Pratap Narayan Jha, resident of Khas Bazar, Girl Middle School, Shiv Mandir Gali, Kharagpur, Munger, Police Station Haveli Kharagpur, District - Munger.
4. Subodh Kumar Bhagat, Son of Haribansh Bhagat, resident of village Mohanganj, Police Station Tarapur, District - Munger.
5. Manish Kumar Mishra, Son of Pramod Hazari, resident of House No. 1, Hazari Tola Lane, Near Dumari Buzurg, Parwatta, Police Station Parwatta, District Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Higher Education Department, Vikas Bhawan, Patna.
2. The Additional Secretary, Higher Education Department, Vikas Bhawan, Patna.
3. The Munger University through the Registrar, Munger University, Munger.
4. The Registrar, Munger University, Munger.
5. The Bihar State University Service Commission, Patna through the Secretary, having its Office in 8th Floor, Bihar School Examination Board, Academy Bhawan, Budh Marg, Police Station Kotwali, District Patna.
6. The Chairman, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board, Academy Bhawan, Budh Marg, Police Station - Kotwali, District Patna.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Rupak Kumar, Advocate<br>Mr.Vikrant Kumar, Advocate                       |
| For BSUSC            | : | Mr.Pawan Kumar, Advocate,<br>Mr.Utsav, Advocate<br>Mr.Raghav Vatsa, Advocate |
| For the University   | : | Mr.Ritesh Kumar, Advocate                                                    |
| For the State        | : | Mr.Vivekant Singh, Advocate AC to GP 18                                      |

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL JUDGMENT**

**Date : 21-01-2025**



Heard Mr. Rupak Kumar along with Mr. Vikrant Kumar, learned counsels appearing on behalf of the petitioners; Mr. Pawan Kumar along with Mr. Utsav and Mr. Raghav Vatsa, learned counsels for the Bihar State University Service Commission; Mr. Ritesh Kumar, learned counsel for the University and Mr. Vivekanand Singh, learned AC to GP 18 for the State.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* following relief(s), which is reproduced hereinafter:-

**“That this writ application is filed for issuance of writ in the nature of mandamus directing the respondents to allow the petitioners to participate in ongoing recruitment process for appointment to the post of Assistant Professor in different subject imitated by the Bihar State University Service Commission I the year 2020 in the wake of judgment of the Hon’ble Apex Court dated 18.05.2007 passed in Civil Appeal No.1601-1602 of 2005 and the report dated 26.08.2020 of three men adhoc lecturer enquiry committee.”**

3. Learned counsel appearing on behalf of the petitioners informs that there are about 316 vacancies in History and 280 vacancies in Political Science, as per the Advertisement No.AP-HIST.08/20-21 and APPOL-13/20-21. The petitioners no.1, 3 and 5 have requisite qualification to be appointed as Assistant Professor in History and the petitioners no.2 and 4



have requisite qualification to be appointed as the Assistant Professor in Political Science.

4. Learned counsel further informs that in compliance of the direction of the Apex Court contained in **Paragraph No.46 of order dated 18.05.2007** passed **Civil Appeal Nos. 1601-1602 of 2004 (Veer Kunwar Singh University Ad hoc Teachers Association & Ors. vs. The Bihar Stte University (C.C.) Service Commission & Ors.**, the State Government has constituted a Three Men Committee and from perusal of the report of the Three Men Committee, it appears that the petitioners have requisite qualification to be appointed as Assistant Professor in History and Political Science accordingly.

5. The petitioners have brought on record the recommendation dated 26.08.2020 of the Committee by way of **Annexure P/2**, in which their names appear at sl.no.1, 2, 8, 24 and 25.

6. Learned counsel further informs that due to inaction on the part of the Bihar State University Service Commission, the petitioners have been restrained from appearing in the ongoing selection process. He further informs that the similarly situated other candidates, who were appointed as adhoc Assistant Professor against the sanctioned post have



been held to be eligible for age relaxation and have taken part in the selection process of the Assistant Professor in the Colleges run by the Magadh University.

7. Learned counsel also informs that some of the candidates preferred CWJC No.5197 of 2021 and the order was passed on 25.11.2024 allowing the petitioners of the said writ petition to take part in the ongoing selection process and the petitioners of the present writ petition is also seeking similar relief in the instant writ petition.

8. *Per contra* Mr. Pawan Kumar, learned counsel appearing on behalf of the Bihar State University Service Commission after getting instruction, has informed that the number of vacancies as notified in the advertisement is correct, however, referring to Clause VI of the said advertisement, he informs that maximum age limit is 51 years as on 01.01.2020, as such, the petitioners, who have already crossed the age of 51 years, do not deserve to be granted similar relief as has been granted to the petitioners of CWJC No.5197 of 2021, as such, the petitioners have not been able to make out their case as they have crossed the age limit as prescribed in column no.VI of the advertisement.

9. Mr. Ritesh Kumar, learned counsel has tendered



his appearance on behalf of Munger University, which has come into existence after having been bifurcated from Tilka Manjhi (Bhagalpur) University, and submitted that the direction of the Apex Court is specific to the State Government. He has also clarified that there is no dispute regarding the vacancies existing in different colleges of the University, as notified in the advertisement.

10. Learned counsel for the State has submitted that the State Government has complied with the order/direction of the Hon'ble Supreme Court by constituting a Three Men Enquiry Committee and the said Committee has already submitted its report.

11. Heard the parties.

12. I have perused the pleadings made in the writ petition, as well as, I had sought information relating to the number of vacancies advertised, pursuant to which the petitioners have claimed that the advertisement has not been brought on record and as such their claim cannot be compared for granting similar relief as has been granted to the appellants of **Veer Kunwar Singh University Ad hoc Teachers Association** (supra) and direct the the respondents to allow them to appear in the ongoing recruitment process.



13. It is well settled principle of law that the pleadings must be substantiated with the evidence and the vital evidence in the present writ petition is the advertisement, which has not been brought on record on behalf of the petitioners. In this regard, this Court relies on the judgment passed by the Apex Court in case of **Bharat Singh & Ors. – Vs. State of Haryana and Ors.** reported in **1988 (4) SCC 534**.

14. Further, the petitioners have claimed that they were found to have requisite qualification and were working against the sanctioned post, as per the finding of the Three Men Enquiry Committee, after giving them age relaxation on the basis of the judgment of the Apex Court dated 18.05.2007 passed in Civil Appeal Nos. 1601-1602 of 2004. However, in absence of any information relating to the age relaxation, I do not find it proper to interfere at this stage to consider the grievance of the petitioners for having not relevant information in respect of each petitioners and the advertisement; pursuant to which they are seeking relief in the present writ petition.

15. The writ petition is accordingly dismissed.

16. However, at the same time, it is expected from the Bihar State University Service Commission to comply with the directions contained in Paragraph No.46 of the Apex Court



judgment dated 18.05.2007 passed in Civil Appeal Nos. 1601-1602 of 2004.

17. The petitioners may also take appropriate steps for redressal of their grievance in accordance with law.

**(Purnendu Singh, J)**

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| AFR/NAFR          |            |
| CAV DATE          | NA         |
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