

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.526 of 2025

In

Civil Writ Jurisdiction Case No.13185 of 2024

Dr. Achyutesh Dixit Son of Harendra Narayan Dixit, Resident of Mohalla - 14/15B, Rakhi Nvada, P.O. - Raisipur, P.S. Jansa, District - Varanasi (U.P.) 221405.

... .. Appellant/s

Versus

1. The Bihar State University Service Commission through its Chairman, 8th Floor, Bihar School Examination Board Academic Building, Buddha Marg, Patna- 800001.
2. The Chairman, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board Academic Building, Buddha Marg, Patna- 800001.
3. The Secretary, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board Academic Building, Buddha Marg, Patna 800001.
4. The Aryabhatta Knowledge University Patna through the Registrar, the Administrative Block, Mithapur, Patna, Bihar - 800001.
5. The Vice- Chancellor -Aryabhatta Knowledge University, Patna, the Administrative Block, Mithapur, Patna, Bihar - 800001.
6. The Registrar, Aryabhatta Knowledge University, the Administrative Block, Mithapur, Patna, Bihar - 800001.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Tuhin Shanker, Advocate
		Mr. Gopal Kumar, Advocate
		Mr. Avantika, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-01-2026

This Letters Patent Appeal has been filed by the appellant Dr. Achyutesh Dixit challenging the order dated 14.11.2024 passed in C.W.J.C. No. 13185 of 2024.



The aforesaid writ petition was filed with the following

prayer :

“For issuance of an order, direction or a writ of mandamus for directing the respondent Bihar State University Service Commission to accept the experience certificate dated 19.10.2023 issued by Muzaffarpur Institute of Technology, Muzaffarpur in favour of the petitioner which was countersigned by the Learned Registrar, Aryabhatta Knowledge University on 14.06.2024 and further for directing the respondent Bihar State University Service Commission to consider the same for awarding marks under the heading for experience against advertisement dated 21.09.2020 issued by it for appointment on vacant post of Assistant Professor in different Universities and Constituent Colleges under the Education Department, Government of Bihar, Patna in so far as the recruitment in the subject of physics is concerned.

ii. For issuance of an order, direction or an appropriate writ for staying the further process of recruitment in the subject of physics against advertisement dated 21.09.2020 issued by the Bihar State University Service Commission during the pendency of the present writ application.”

2. It appears that no counter affidavit has been filed by any of the respondents. However, when the matter was listed on 14.11.2024 along with analogous writ petitions, the learned Single Judge taking into account the fact that the matter has



already been decided by the learned Division Bench of this Court on 06.09.2024 in L.P.A. No. 653 of 2024 which arises out of C.W.J.C. No. 16795 of 2023, which was also not disputed by the learned counsel for the appellant, disposed of the writ petition holding that there is no merit in the application.

3. On perusal of the order dated 06.09.2024 passed in Letters Patent Appeal No. 653 of 2024, it appears that the Letters Parent Appeal was filed by the Bihar State University Service Commission, through its Chairman and Secretary, challenging the Single Bench order passed in C.W.J.C. No. 16795 of 2023, in which the learned Division Bench had distinguished another judgment passed in C.W.J.C. No. 4952 of 2022, wherein the issue was raised whether the delayed submission of an experience certificate with counter-signature of the Registrar of the University would be accepted for evaluating the writ petitioner in selection for appointment to the post of Assistant Professors in the different Universities in the State of Bihar.

The learned Divisional Bench in the aforesaid order dated 06.09.2024 passed in Letters Patent Appeal No. 653 of 2024 has been pleased to observe as follows in the operative part:



“12. The petitioner applied under an advertisement and submitted an experience certificate, which was not in consonance with the requirement. Before the last date of the application, there was not even an attempt made to obtain a certificate in consonance with the requirement. Some others, similarly situated, approached this Court and obtained directions. It is based on the said order that, belatedly, the petitioner came to this Court; by which the selection had progressed considerably. If such delayed and stale claims are entertained, it will put the entire selection process to jeopardy. The directions issued for expeditious transmission of experience certificates to the University & counter-signature, after due verification does not help the petitioner, who, before the application made no attempt to get such counter-signature before submitting the application; under an advertisement which mandated such counter-signature.

13. In view of the above reasoning on the stated facts and circumstances of the case, we find absolutely no reason to uphold the judgment of the learned Single Judge. We allow this appeal and set aside the judgment passed by the learned Single Judge and as a consequence, reject the writ petition.”

4. When a submission has been made by the learned counsel for the appellant, appearing at the time of hearing of the writ petition, out of which the impugned order arises, that the issues have already been decided by the learned Division Bench in the L.P.A. No. 653 of 2024 and accordingly, the said matter was disposed of, a different stand taken here in this L.P.A., is



not permissible. However, the learned counsel for the appellant submits that he may be given liberty to file a review petition before the learned Single Judge.

It is open to the appellant to file such review petition which would be dealt with in accordance with law.

5. Accordingly, we find no merit in the present appeal, hence the Letters Patent Appeal stands dismissed.

(Sangam Kumar Sahoo, CJ)

(Mohit Kumar Shah, J)

shailendra/-

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CAV DATE	
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