

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.595 of 2025

In

Civil Writ Jurisdiction Case No.18284 of 2024

Hari Shankar Kumar, Son of Ram Naresh Sharma, Resident of Village/Mohalla Narma, P.S. Hathauri, District- Muzaffarpur.

... .. Appellant

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. Jay Prakash University, Rahul Sanksritayan Nagar, Chapra through its Registrar.
4. The Vice Chancellor, Jay Prakash University, Rahul Sanskritayan Nagar, Chapra.
5. The Registrar, Jay Prakash University, Rahul Sanksritayan Nagar, Chapra.
6. Anil Kumar Son of Jhulan Singh, Resident of Village - Mohalla - Rampur Noornagar, P.O. Kanhi, P.S. - Jalalpur, District- Saran.
7. Vidya Nand Ram Son of Gauri Ram, Resident of Village/Mohalla - Bargaon, P.O. Bargaon, P.S. - Mairwa, District - Siwan.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. P.N. Shahi, Sr. Advocate Mr. Amit Anand, Advocate
For the J.P. Unv.	:	Mr. Bindhyachal Rai, Advocate Mr. Chandan Kumar, Advocate
For the B.S.U.S.C.	:	Mr. Tuhin Shankar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

CAV JUDGMENT

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 13-03-2026

Heard the learned counsel appearing for the respective parties.

2. The challenge in the present intra-court appeal is



made to an order/judgment dated 21.03.2025 passed by the learned Single Judge in C.W.J.C. No.18284 of 2024, whereby the learned Court, having found no merit in the writ petition, dismissed the same.

3. The brief facts leading to the filing of the present appeal are that the petitioner, along with other eligible candidates submitted their applications for appointment to the post of Assistant Professor in the subject of History, pursuant to Advertisement No.AP-HIST-08/20-21. A corrigendum to the said advertisement was subsequently issued by the Commission on 02.12.2020, extending the last date for submission of online applications through the Commission's web portal up to 10.12.2020 and for receipt of the downloaded hard copy of the online application, along with photocopies of all requisite documents and degree certificates, up to 30.12.2020 till 5:00 PM. The petitioner, along with others, duly submitted their online application form, uploaded all necessary documents, and thereafter dispatched the hard copy of the application along with the uploaded documents through speed post within the stipulated time.

4. Upon scrutiny of the applications, the Commission issued a public notice dated 14.10.2024, duly uploaded on its official website, informing candidates about deficiencies found



in certain applications and granting them an opportunity to rectify the same within the prescribed period. The petitioner's application was rejected on the ground that the five-point Ph.D. certificate submitted by him had not been issued by the competent authority.

5. Aggrieved by the said decision, the petitioner (appellant herein) along with two other candidates filed a writ petition bearing C.W.J.C. No.18284 of 2024 seeking quashing of the Commission's decision whereby their applications had been rejected.

6. So far as petitioner no.3 (Vidya Nand Ram) in C.W.J.C. No.18284 of 2024 is concerned, he had submitted the five-point Ph.D. certificate issued by the Dean of the concerned University, which was found to be in conformity with Advertisement No. AP-HIST-08/20-21. Consequently, he was issued an interview letter, participated in the selection process, and his grievance stood redressed.

7. However, petitioner no. 1, Hari Shankar Kumar (the appellant herein), and petitioner no. 2, Anil Kumar, contended before the learned Single Judge that in terms of Clause 4.1(ii) of the advertisement, a candidate seeking consideration for his/her appointment to the post of Assistant Professor (History) was



required to submit a five-point Ph.D. certificate duly signed by the Registrar/Dean of the concerned University on or before 10.12.2020. They asserted that they had submitted their five-point Ph.D. certificates prior to the cut-off date; however, their candidature was rejected solely on the ground that the certificates had been issued under the signature of the Vice-Chancellor of the University.

8. Notwithstanding the public notice informing the candidate(s) to make necessary correction, petitioner nos. 1 (appellant) and 2, in C.W.J.C. No.18284 of 2024, were not permitted to submit fresh five-point Ph.D. certificates duly signed by the Registrar, even though the certificates issued by the Vice-Chancellor were not accepted as being in compliance with the advertisement.

9. Moreover, petitioners no.1 and 2 (in C.W.J.C. No.18284 of 2024), upon coming to know of the rejection of their applications, immediately approached the University and obtained five-point Ph.D. certificates duly signed by the Registrar, which they submitted before the respondent-Commission. Hence, there was no substantive deficiency in their qualifications; nevertheless, they were not allowed to participate in the interview process.



10. The non-consideration of five-point Ph.D. certificates of petitioners no. 1 and 2 (in C.W.J.C. No.18284 of 2024), issued by the Vice-Chancellor of the University, is said to be an arbitrary exercise of power by the respondent-Commission. The action of the Commission was high-handed and whimsical, resulting in serious civil consequences, including the loss of a valuable opportunity to be appointed as Assistant Professor in a constituent college; was the contention of the learned counsel for the petitioners before the learned Single Judge.

11. On the contrary, the University Service Commission vigorously refuted the petitioners' contentions and submitted that petitioners no.1 and 2 had admittedly failed to submit the five-point Ph.D. certificates in the manner prescribed under the advertisement prior to the cut-off date. Their applications, being in breach of the terms and conditions of Advertisement No. AP-HIST-08/20-21, were therefore rightly rejected. It was further submitted that Clause 7 of the impugned order clearly stipulates that candidates whose applications were rejected on the ground of non-submission of the five-point Ph.D. certificate duly signed by the Registrar of the concerned University would not be granted any further opportunity to produce the same.



12. The Commission also placed reliance on the judgment rendered by a coordinate Bench of this Court in ***Dr. Alok Kumar Singh v. The State of Bihar & Ors.***, [C.W.J.C. No. 10670 of 2024] and other analogous case, wherein the Court, in similar factual circumstances, declined to interfere on the ground that there was no provision for relaxation of the terms and conditions of the advertisement or the relevant rules. The learned Single Judge, upon hearing the parties and finding merit in the submissions advanced on behalf of the Commission, dismissed the writ petition. The said order/judgment is under challenge in the present appeal.

13. The learned Advocate for the appellant while questioning the legality of the order of the judgement under appeal, has submitted that pursuant to the Gazette Notification dated 4th May 2016, Clause 3.3.1 of the relevant Regulations mandates that the five-point certificate be certified by the Vice-Chancellor/Pro Vice-Chancellor/Dean (Academic Affairs)/Dean (University Instructions). In the present case, the five-point Ph.D. certificate was duly issued and certified by the Vice-Chancellor of the concerned University in favour of the writ petitioner–appellant, and the same was uploaded along with the application form within the prescribed time. It is contended that the Vice-Chancellor being the competent authority under the



Regulations, the non-acceptance of the said certificate and the consequent rejection of the appellant's candidature is wholly arbitrary and unsustainable in law. It is further submitted that, in any event, the certificate was subsequently duly certified by the Registrar of the University in light of the amended Regulations dated 18th July 2018 and thereby removed the alleged procedural deficiency, if any.

14. The learned Advocate for the appellant further contended that in somewhat similar circumstances, the teaching experience of another candidate for appointment to the post of Assistant Professor in the Department of Commerce was rejected solely on the ground that the experience certificate had not been countersigned by the Registrar of the University. In that context, the learned Division Bench of this Court in *Anuradha Singh v. The Bihar State University Service Commission & Ors. [L.P.A. No.109 of 2025]*, held that not awarding any marks to the appellant on the basis of teaching experience only on the ground that it was not countersigned by the Registrar would be unfair and would not be in consonance with the purposive reading of the Statute as also of the advertisement. It is lastly contended that the genuineness of five-point certificate issued in favour of the appellant has never been questioned by the respondents. In such circumstances, it is



urged that the certificate submitted along with the application form ought to be treated as valid and in conformity with the advertisement, and the appellant deserves to be considered for interview. The order passed by the learned Single Judge in C.W.J.C. No. 10670 of 2024, is said to be contrary to the ratio and findings recorded by the learned Division Bench in L.P.A. No. 109 of 2025.

15. Mr. Tuhin Shankar, the learned Advocate for the Commission, has supported the order passed by the learned Single Judge of this Court by placing reliance upon the decisions in *The Bihar State University Service Commission & Ors. v. Amiya Shekhar & Ors. [L.P.A. No. 653 of 2024]*, *Bihar State University Service Commission & Anr. v. Alka Kumari [L.P.A. No.777 of 2024]* and *Dr. Alok Kumar Singh v. The State of Bihar & Ors. [C.W.J.C. No.10670 of 2024]*. It is submitted that in the afore-noted cases, the learned Division Bench as well as the learned Single Judge, placing reliance upon the decision of the Hon'ble Supreme Court in **Bedanga Talukdar v. Saifudaullah Khan [(2011) 12 SCC 85]** and the decision rendered by the Full Bench of this Court in **Braj Kishore Prasad v. State of Bihar [1998 (3) PLJR 34]**, have held that the selection process must be conducted strictly in accordance with the procedure stipulated in the advertisement. It



has been further held that no relaxation of the terms and conditions of the advertisement is permissible unless such power is expressly reserved in the advertisement itself or under the rules governing the selection process. Learned counsel for the Commission, while concluding his submission, further argued that none of the candidates, whose candidature has been rejected on the ground that they have not submitted their five-point Ph.D. certificate duly issued/signed by the Registrar has been allowed any opportunity to produce the same.

16. We have considered the submissions advanced and perused the order/judgement passed by the learned Single Judge; before proceeding further, it would be worth benefiting to discuss the relevant terms and conditions of the advertisement in question.

17. After careful perusal and scrutiny of clause 4.1.(ii) of Advertisement No. AP-HIST-08/20-21, it appears that the candidates who have not qualified the National Eligibility Test conducted by the UGC or the CSIR or a similar test accredited by the UGC can also participate for the post of Assistant Professor, provided that such a candidate is a holder of the Ph.D. Degree in accordance with UGC regulations 2009 or 2016 and the amendments made from time to time as the case may be. Provided further that the candidates registered for UGC



programmes prior to July 11th, 2009 shall be governed by the provisions of the then existing ordinance/ bylaws/ regulations of the institution awarding the degree subject to fulfillment of the following five conditions:-

(a) The Ph.D. Degree of the candidate has been awarded in a regular mode;

(b) The Ph.D. Thesis has been evaluated by at least two external examiners;

(c) An open Ph.D. Viva Voce of the candidate has been conducted;

(d) The Candidate has published two research papers from his / her Ph.D. work, out of which at least one is in a referred journal;

(e) The candidate has presented at least two papers based on his/her Ph.D. work in conferences /Seminars sponsored/funded/supported by the UGC/ICSSR/CSIR or any similar agency.

Further, in terms with the University Grants Commission Notification dated 18.07.2018, the fulfillment of these conditions is to be certified by the Registrar or the Dean (Academic Affairs) of the University concerned, which is categorically stipulated in the advertisement itself.

18. The case of the appellant, as borne out from the materials available on record, clearly indicates that the five-point certificate relating to the Ph.D. degree, purportedly issued



under the signature of the Vice-Chancellor of the University, was not in conformity with the specific requirements prescribed under the UGC Regulations dated 18 July 2018. Furthermore, the five-point certificate relating to the Ph.D. degree, certified by the Registrar of the University, as now relied upon by the petitioner–appellant, was submitted much after the stipulated last date for uploading the online application as well as for filing the hard copy thereof.

19. Now, it would be apposite to refer to the decision rendered by the Full Bench of this Court in ***Braj Kishore Prasad*** (*supra*), wherein the learned Full Bench, in its penultimate paragraph, observed as follows:-

“26. Having regard to all these considerations, I hold that:

(a) Where the advertisement specifies the last date for filing of supporting or other documents, that date must be given effect to, and any document received after such date shall be rejected by the selecting authority.

(b) In appropriate cases where the selecting authority is of the view that the time for furnishing of documents should be extended, it may grant such extension by issuing a public notice to this effect so that all candidates may get the benefit of such extension. In the absence



of any such extension granted by the selecting authority, the date/dates mentioned in the advertisement should be treated to be the last date for filing of documents, and no document shall be accepted thereafter.

(c) No application/document shall be entertained by the Commission if the same is filed after the last date specified in the advertisement, or the extended date notified by the commission, even if the same is filed before the finalisation of the select list.

(d) In appropriate cases where this Court is satisfied that a case of extreme hardship or injustice has resulted on account of factors beyond the control of the concerned candidate, this Court in exercise of its writ jurisdiction may grant relief in deserving cases. But in doing so, the Court must be satisfied that the candidate concerned has acted diligently, and is not guilty of delay or laches in taking necessary steps for procuring the requisite certificates, etc. However, no relief shall be granted where the requisite certificate is produced for the first time after the process of selection is complete and the selecting authority has made its recommendation.”

20. It would also be worthy to recapitulate the decision of ***Bedanga Talukdar*** (supra), the Hon’ble Supreme Court, while considering the relevance and binding nature of the



terms and conditions stipulated in the advertisement underscored their significance and held as follows:

“In our opinion, it is too well settled to need any further reiteration that all appointments to public office have to be made in conformity with Article 14 of the Constitution of India. In other words, there must be no arbitrariness resulting from any undue favour being shown to any candidate. Therefore, the selection process has to be conducted strictly in accordance with the stipulated selection procedure. Consequently, when a particular schedule is mentioned in an advertisement, the same has to be scrupulously maintained. There cannot be any relaxation in the terms and conditions of the advertisement unless such a power is specifically reserved. Such a power could be reserved in the relevant statutory rules. Even if power of relaxation is provided in the rules, it must still be mentioned in the advertisement. In the absence of such power in the rules, it could still be provided in the advertisement. However, the power of relaxation, if exercised, has to be given due publicity. This would be necessary to ensure that those candidates who become eligible due to the relaxation, are afforded an equal opportunity to apply and compete. Relaxation of any condition in advertisement without due



publication would be contrary to the mandate of equality contained in Articles 14 and 16 of the Constitution of India..."

21. Now, advertng to the decision rendered by the learned Division Bench of this Court in **Anuradha Singh** (*supra*), upon which heavy reliance has been placed, admittedly the observations made therein were confined to the peculiar facts of the appellant's case and were not intended to be treated as a precedent of general application. The learned Division Bench, while distinguishing the earlier decision rendered in **Amiya Shekhar** (*supra*), took note of the fact that in the said case the candidate had submitted the requisite certificate at a highly belated stage, when the selection process had already progressed substantially. In contrast, in **Anuradha Singh** (*supra*), the selection process in respect of the Department of Commerce had not commenced as on the relevant date. It would also be pertinent to take note of the decision of the learned Division Bench in **Amiya Shekhar** (*supra*), wherein it was emphatically held that marks under the head of teaching/post-doctoral experience can be awarded only on the basis of a certificate duly countersigned by the Registrar of the concerned University.

22. Similarly, in **The Bihar State University Service**



Commission v. Anurag Kumar Sinha @ Anurag Ambasta
[L.P.A. No. 698 of 2024], the learned Division Bench vide its judgment dated 24.10.2024, observed that where the experience certificate was not in consonance with the prescribed requirements and the candidate had failed to submit the requisite certificate before the last date of submission of the online application form without even making any attempt to obtain a certificate in conformity with the stipulated conditions, the same could not be entertained thereafter. The Court reiterated that submission of a teaching experience certificate duly countersigned by the Registrar beyond the prescribed last date would not be permissible.

23. Upon careful consideration of the aforesaid decisions discussed hereinabove, there remains no hesitation in holding that the selection process must be conducted strictly in accordance with the procedure stipulated in the advertisement, unless there exists a specific provision for relaxation of the terms and conditions, either in the advertisement itself or under the statutory rules governing the selection process. Once the candidature of the appellant was found not to be in consonance with the prescribed terms and conditions of the advertisement in question, its rejection cannot be said to suffer from any illegality.



24. Further, the contention of the Commission that no such candidate has been allowed, whose candidature has been rejected on account of his failure to submit five-point Ph.D. certificate signed by the Registrar and this statement has neither been refuted nor any document/evidence has been brought on record to make out his claim on parity; rather the instances are otherwise.

25. In view thereof, this Court finds no perversity and illegality in the order passed by the learned Single Judge. Accordingly, the present intra-court appeal, being devoid of merit, stands dismissed.

(Harish Kumar, J)

Sangam Kumar Sahoo, CJ: I agree.

(Sangam Kumar Sahoo, CJ)

rohit/-

AFR/NAFR	NAFR
CAV DATE	25.02.2026
Uploading Date	13-03-2026
Transmission Date	

