

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11828 of 2025

Dr. Vinay Kumar Ambedkar @ Vinay Kumar Ambedkar s/o Rambalak Singh, Resident of Village-Iliara, Gaya, Cherki, P.S.-Cherki, District-Gaya (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education Department, Government of Bihar, Patna.
4. The State University, University Service Commission, Bihar, Patna.
5. The Chairman, Bihar State University Service Commission, Patna.
6. The Secretary, Bihar State University Service Commission, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sarva Dev Singh, Adv. Mr. Ranjit Kumar, Adv.
For the State	:	Mr. Uday Prasad, AC to GP 22
For the BSUSC	:	Mr. Alok Kumar Rahi, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 13-01-2026

Heard the parties.

2. The petitioner, who is aspirant for the post of Assistant Professor for the subject of Ancient Indian History and Asian Studies in terms with the Advertisement No. AP/AIHA-09/20-21 dated 21.09.2021, has approached this Court seeking quashing of Letter No. 755 dated 10.03.2025 issued by the Secretary, Education Department, Government of Bihar, Patna, whereby the Secretary of the Bihar State University Service Commission has been directed to stay the process of selection of



Assistant Professor for the subject of Ancient Indian and Asian Studies along with other subjects stating therein that there is no clarity in the existing vacancy in the Universities of the Bihar and different Colleges. The concerned respondent(s) thus have further been directed to send fresh requisition after proper assessment of the posts.

3. Mr. Sarva Dev Singh, learned Advocate for the petitioner submitted that the petitioner has attained the age of 56 and now only few years have been left in his proposed service career to be appointed, nonetheless the State Government has come out with the impugned notice and halt the Commission to proceed with the selection process. It is further contended that though there is no confrontation to the settled position that the State Government has discretion to proceed for selection process and in case there is reasonable ground, they can refuse to proceed. In the case at hand, it appears that because of miscommunication from the University and the College, the assessment of the vacancies could not be done. However, the Director, Higher Education, vide its Letter No. 205 dated 29.03.2025, as is evident from Annexure-D to the counter affidavit filed on behalf of the respondent Nos. 2 and 3, directed the Registrar of the Universities to make a fresh exercise and re-



assess the status of available vacancies in the concerned subject and make available fresh category wise vacancies existed in the year 2020, preferably within a week. More than three months have been elapsed and till date re-assessment of the status of available vacancies has not been done.

4. Learned Counsel for the State and the Bihar State University Service Commission have submitted that as soon as the actual report on the existing vacancies in the year 2020 under the aforementioned subject is made available by the University, a fresh requisition would be sent to the Commission to proceed further in the matter and for recommendation of the candidates for appointment in accordance with law.

5. Before parting with the case, it would be worth benefiting to remind the respondent State authorities with the mandate of the Constitution Bench of the Apex Court in ***Shankarsan Dash vs Union Of India [AIR 1991 SC 1612]***, wherein the Court held that undoubtedly the State is under no legal duty to fill up all or any of the vacancies. However, it does not mean that the State has the licence of acting in an arbitrary manner. The decision not to fill up the vacancies has to be taken *bonafide* for appropriate reasons.

6. Having considered the submissions advanced by



the learned Advocates for the respective parties and taking note of the undertaking given by the concerned authorities of the State, this Court disposes the writ petition with the hope and expectation that the authorities shall expedite the matter and ensure re-assessment of the status of the available vacancies of the concerned subject and come out with fresh requisition as early as possible keeping in view the undertaking offered before this Court by the authorities of the State in its counter affidavit filed on behalf of the respondent Nos. 2 and 3.

7. The writ petition stands disposed of.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	16 .01.2026
Transmission Date	

