

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18526 of 2022

Abnish Kumar Arimarden @ Avanish Kumar Arimardan Son of Kamal Kishor Yadav, Resident of Village- Usri, P.O. and P.S.-Gogri, District-Khagaria.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bindhayachal Singh, Sr. Advocate
	:	Mr. Umesh Kumar, Advocate
	:	Mr. Shubhankar Raj, Advocate
For the Respondent/s	:	Mr. Madhaw Pd. Yadav (Gp23)
	:	Ms. Meera Singh (AC- GP23)
For the University	:	Mr. Tuhin Shaukar, Advocate
	:	Mr. Ashhar Mustfa, Advocate

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
CAV JUDGMENT

Date : 28-07-2026

Heard the learned counsel for the parties.

2. The present writ petition has been filed for the following reliefs:

“i) For issuance of writ in the nature of Mandamus or any other appropriate writ for commanding the respondents to call the petitioner for interview for an appointment on the post of Assistant Professor in subject of Philosophy pursuant to Advertisement No. 15/20-21



dated 21.09.2020 published by the Bihar State University Service Commission, Patna.

ii) For holding that the act of the respondents is not inviting the petitioner to participate in interview for the post of Assistant Professor in subject of Philosophy pursuant to Advt. No. 15/2021 despite having the marks 91 as per the academic records whereas the cut-off marks for the interview for he candidates belonging to B.C. Category such as petitioner is merely 76 marks and belonging to General Category is merely 82.68 marks is discriminately and unsustainable.

iii) For issuance of any other writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. An I.A. bearing I.A no. 01 of 2024 was filed for amendment in the prayer portion in the writ petition for addition of certain additional prayers, apart from the prayers made in the writ petition. Vide order dated 25.02.2025, a learned Co-ordinate bench of this Court was pleased to allow the Interlocutory Application bearing I.A. no. 01 of 2024 and the prayer made therein was treated to be part and parcel of the relief prayed for in the main writ petition. The prayer made in I.A. no. 01 of 24 are reproduced herein below:

“i. For issuance of writ in the nature of certiorari or any other appropriate writ to



quash the part of the list of eligible candidates in subject of Philosophy (Annexure-R-1 of the Counter Affidavit), which is mentioned at Serial No. 299 bearing Unique ID No. ABN13071971PH10033588 with respect to the petitioner, whereby the petitioner has been awarded total Mannual Score 74.6 in academic records instead of 89 marks.

ii. For issuance of writ in the nature of Mandamus or any other appropriate writ commanding the respondents particularly the respondent No. 3 and 4 to modify the Mannual Score of the petitioner issued by the Bihar State University Service Commission, Patna on 19.10.2022 whereby the petitioner was awarded 02 marks for Research Publication and 1.6 marks for teaching experience, however, the petitioner is entitled 8 and 10 marks respectively against respective heads and further for issuance of writ in the nature of Mandamus for commanding the respondents to add the said total Score $8+10=18$ instead of 3.6 marks in Mannual Score (Table B) in the list of eligible candidates in Subject of Philosophy at Serial No. 299 in favour of the petitioner.

iii. For issuance of writ in the nature of



Mandamus or any other appropriate writ commanding the respondent Commission to award total Mannual Score $71 + 18 = 89$ in academic records in favour of the petitioner.

iv. For issuance of writ in the nature of Mandamus or any other appropriate writ commanding the respondents to appoint the petitioner on the post of Assistant Professor in subject of Philosophy pursuant to Advt. No. AP-PHIL-15/20-21 dated 21.09.2020 published by the Bihar State University Service Commission, Patna.”

Brief Facts of the Case

4. The brief facts which are essential for adjudication of the present writ petition are that an advertisement was issued on 21.09.2020 by the Bihar State University Service Commission (hereinafter referred to as B.S.U.S.C.), Patna, for appointment on the post of Assistant Professor. On the said date several advertisements, including advertisement no. 15/20-21 was published for appointment of Assistant Professors in different Universities and their Constituent Colleges in the State of Bihar, in different subjects, including Philosophy. Total 135 posts were earmarked for the subject Philosophy, out of which 25 posts were earmarked for



Unreserved Candidates, while 7 posts were reserved for E.W.S. category candidates, 9 posts were reserved for Schedule Caste category candidates, 42 posts were reserved for Scheduled Tribe category candidates, 35 posts were reserved for EBC category candidates, 11 posts were reserved for BC category candidates and 6 posts were reserved for BCL category candidates.

5. The petitioner, who was eligible for being appointed for the post of Assistant Professor, belonging to the BC category, applied Online for the subject Philosophy on the website of the B.S.U.S.C. on 26.10.2020, along with all his educational and other necessary documents, including the certificate for teaching experience and five articles. The application of the petitioner was found to be in order and accordingly, he was found to be eligible vide notice bearing no. 1448 dated 05.12.2022.

6. It is the case of the petitioner that in terms of the advertisement he was entitled for 91 marks for his Academics records, out of 100, as he has passed Graduation with 1st Division (above 60% marks), Post-Graduation with 1st Division (above 60% marks), having qualification of NET, Ph.D, 5 years teaching experience and 5 articles published in the peer-reviewed journal. After necessary formalities, the Bihar State



University Service Commission, issued cut-off marks for each category vide notice no. 1455 dated 06.12.2022. The cut-off marks for unreserved category was fixed at 82.68 marks and for BC category the same was fixed at 76 marks and accordingly in terms of the fixation of cut-off marks, the candidates were called for interview on 15.12.2022 and 16.12.2022. The petitioner was not called for interview by the Commission, although he was entitled to be called for interview, since as per his calculation his marks would have been 91 marks, which is more than the cut-off of 76 marks, fixed for the candidates belonging to BC category. Since the petitioner was not called for interview he filed the present writ petition.

7. Subsequently, an I.A. has been filed on behalf of the petitioner, wherein some additional prayers have been made wherein apart from others, a prayer was made to quash the part of list of eligible candidates in the subject Philosophy wherein at serial no. 299 bearing unique ID no. ABN13071971PH10033588, the name of the petitioner was mentioned and he has been awarded 74.6 in manual score, instead of 89 calculated by him. As per the calculation of the petitioner, since he was a Graduate with 1st division in the subject Philosophy and had cleared Post Graduation with 1st



division in the same subject and further obtained NET qualification and also obtained Ph.D degree for which he was entitled to be awarded 71 marks out of total 80 and the same has been allowed to him by the commission.

8. It is further case of the petitioner that for his teaching experience of 5 years from 23.09.2013 to 06.12.2017 and 22.11.2019 to 08.09.2020 in H.S college, Haveli Kharagpur, Munger and K.P. College, Murliganj, respectively, the petitioner was awarded only 1.6 marks, for his teaching experience from 22.11.2019 to 08.09.2020 only, although he was entitled for 10 marks for his teaching experience for 5 years. It is the case of the petitioner that the experience certificate was granted to the petitioner by the concerned Principal of the College, in terms of the advertisement and was also counter-signed by the respective Registrar of the University concerned, in terms of the advertisement. However, for the teaching experience from 23.09.2013 to 06.12.2017 at H.S. college, Haveli Kharagpur, Munger, certificate for which was issued by the Principal of the College and counter-signed by the Registrar of the University, he has been awarded '0' (Zero) marks since memo number and date was not mentioned on the certificate. So far the research publication of the petitioner is concerned, the Commission



awarded only 2 marks for 5 research publication, although the same were published in approved/peer-reviewed journal by the UGC. As per the advertisement, the research publication were required to be published in peer-reviewed or UGC listed journals, which the petitioner had provided with his application form, therefore, the petitioner is entitled for award of extra 4 marks for two research publications which were published in Hindustan Review Journal as ISSN-09-201894, Volume -75, No. 83, Jan-March, 2018 and ISSN-0972-1894, Volume 54, No. 57.

9. It is further case of the petitioner that so far one research publication of the petitioner is concerned, the same was published in Darshan-Piyush Journal, which was published by the department of Philosophy, L.N. Mithila University, although the same has now been closed, however the petitioner is entitled for two marks for the said research publication. Accordingly, as per calculation of the petitioner, he was awarded 71 marks for academic scores and he was entitled to be awarded 18 marks for teaching experience and research publication, therefore his score would have been 89, instead of 74.6.

SUBMISSION OF BEHALF OF THE PETITIONER

10. The learned Senior counsel for the petitioner submits that the writ petition was initially filed for a direction



upon the respondent commission to call the petitioner for interview for appointment to the post of Assistant Professor in the subject Philosophy, pursuant to advertisement no. 15/20-21 dated 21.09.2020, since despite the petitioner having requisite marks for interview he was not called for interview. He submits that vide order dated 21.03.2023 passed by a Hon'ble single Judge of this Court, while directing the Commission to file its counter-affidavit, till further orders the result of the subject Philosophy was not directed to be published. He further submits that pursuant to the order dated 21.03.2023 passed by this Hon'ble Court the petitioner was invited for interview and he appeared in the interview. Subsequently, vide order dated 05.06.2024 passed by a Hon'ble Single Judge of this Court, the commission was directed/permitted to come out with the result of the subject Philosophy and it was further recorded that as agreed, one Post shall be kept reserved, subject to the result of the writ petition. He submits that the said order was passed on the submission made by the learned counsel for the Commission, that the Commission is ready to keep one Post reserved and subject to that result be allowed to be published.

11. The learned Senior counsel for the petitioner submits that the petitioner, who belongs to the BC category had



requisite qualification and teaching experience, for which he submitted two experience certificates issued by the Principals of the concerned Colleges and duly counter-signed by the Registrars of the concerned University. He submits that the petitioner had also submitted 5 research publications along with his application form, out of which 4 research were published in peer-reviewed or UGC publication, however one research was published in a book, published by the University Prakashan of the State of Madhya Pradesh. He submits that the Commission issued cut-off marks for interview, whereby for the BC category the cut-off marks was 76 and despite the petitioner having more marks, was not called for interview. He further submits that from the counter-affidavit filed on behalf of the Commission, it would transpire that the petitioner has been awarded only 1.6 marks for his teaching experience for teaching at K.P. College Murliganj, however for his teaching experience at H.S. College, Haveli Kharagpur, Munger, the then Constituent Unit of T.M.B.U., Bhagalpur, no marks was awarded to the petitioner and further for his research publications only 2 marks have been awarded. As per his contention, the petitioner is entitled for 10 marks for his teaching experience and the same has not been awarded to him since reference number and date has not been



mentioned in the teaching experience certificate issued by the principal, H.S. College, Haveli Kharagpur and duly counter-signed by the Registrar, T.M.B.U., Bhagalpur.

12. The learned Senior counsel for the petitioner further submits that as per the advertisement, the only condition which was mentioned for the submission of the teaching experience was that the same has to be issued by the Principal of the concerned College and duly counter-signed by the Registrar of the concerned University. In the case of the petitioner, both the conditions have been fulfilled and even then he has been denied 8.4 marks for his teaching experience. Similarly, 6 more marks should have been allowed to the petitioner for his 3 other research publications and therefore, his score would have been 87, which is much above the cut-off marks fixed for the candidates belonging to BC category. He submits that the teaching experience certificate of the petitioner was in consonance with clause 7.2 of the advertisement, which only required it to be counter-signed by the Registrar of the concerned University and in case of the petitioner the same is on record.

13. The learned Senior counsel for the petitioner finally submits that if the petitioner would have been given



marks for his teaching experience, then he would have qualified for interview and although during pendency of the writ petition he has been provided an opportunity to appear in the interview, however his final result has not been published.

SUBMISSION ON BEHALF OF THE B.S.U.S.C.

14. Per contra, the learned counsel appearing on behalf of the Commission submits that the petitioner was not called for interview, since he had scored only 74.6 marks, which was less than the cut-off marks prescribed for BC category candidates, since the cut-off marks for BC category candidates was fixed at 76 marks. He further submits that the calculation of the petitioner of obtaining 91 marks is his self-assessment and rightly so the petitioner was not called for interview.

15. The learned counsel for the Commission further submits that as per the self-assessment of the petitioner he calculated 10 marks each for his teaching experience and research publication, however, as per the Commission he was found entitled for 1.6 marks and 2 marks each, for his teaching experience and research publication and the marks have been granted by the subject experts on the on the basis of the application and documents submitted by the petitioner. He further submits that as per clause 7.1 of the advertisement total



100 marks was to be provided for educational qualification and 15 marks for the interview. Clause 7.2 of the advertisement provides the criteria for calculating the marks for shortlisting the candidates for selection, in a tabular form. A candidate is given flat marks for their academic records as per table provided in clause 7.2 of the advertisement. Later, on some decisions were also taken by the Commission during its sittings, held as per the provisions of the Bihar State University Service Commission Rules of procedure, 2021, with regard to the manner in which manual score of 23 marks for research publication, teaching experience and awards is to be granted and it was decided therein that it has to be scrutinized and determined by the subject experts.

16. The learned counsel for the Commission further submits that the subject experts are independent academicians and they determine and grant marks after scrutinizing the application, particularly the research publication, the teaching experience and the awards submitted by the candidates. The Commission adds up the marks granted by subject experts to calculate total marks. In case of the petitioner, he was given only 3.6 marks out of total 23 marks, in manual score by the subject experts and the same is different from the self-



assessment marks given by the petitioner. The petitioner has been given only 2 marks for research publication, out of the maximum 10 marks and further he has been given 1.6 marks, out of the maximum 10 marks for his teaching experience. He further submits that the petitioner is assuming that his 5 research publication should have got him total 10 marks, but on assessing the publication submitted by the petitioner, the subject expert granted marks for only 3rd publication submitted by the petitioner and did not grant the marks for others and remarked that “ISSN not found in the listed journal”, “journal not found”, and “Book” in the format for calculating manual score. He further submits that the subject experts did not grant the petitioner any marks for his certificate of experience issued by the H.S. College, Haveli Kharagpur, Munger as the experience certificate did not contain any reference number and date on it and granted only 1.6 marks for the certificate granted by K.P. College, Murliganj.

17. A reply to the Interlocutory Application bearing I.A. no. 1 of 24 was also filed by the commission in terms of order dated 25.02.2025 passed in this case. While referring to the reply to the Interlocutory Application, the learned counsel appearing on behalf of the Commission submits that vide



interim order dated 21.03.2023 the result of the subject Philosophy was stayed, until further orders by a Hon'ble Single Judge of this Court. Subsequently, the Commission permitted the petitioner and called him for interview and he appeared for the interview, therefore the main prayer of the petitioner in the writ application stood redressed. Subsequently, vide order dated 05.06.2024, on the request made by the learned counsel for the Commission a Hon'ble single Judge of this Court allowed the Commission to publish the result of the subject Philosophy, by keeping one post reserved. Thereafter the result of the subject was published and the petitioner did not qualify in the select list, on account of him having less marks than the cut-off marks in his category. Subsequent thereto the petitioner filed the Interlocutory Application, whereby as per his assertion he would have got 89 marks. He submits that the petitioner did not obtain the requisite qualifying marks, since he obtained only 86.6 marks, while the final cut-off for BC category in Philosophy was 88 marks. He submits that out of the 5 research publications the petitioner obtained only 2 marks for one research paper i.e. "Bihar ka Arthik Paridrishya", by the subject experts, while he did not obtain any marks for other 4 research papers and it shows that two research papers are not UGC approved list of



journals and the petitioner has accordingly been granted Zero marks by the subject experts. So far with regard to one research paper, the subject experts found the journal as not found and accordingly awarded Zero marks and so far the 5th research publication is concerned, the same is published in a book and therefore Zero marks was awarded to him. He further submits that for his teaching experience at K.P. College, Murliganj, he has been awarded 1.6 marks, while for his teaching experience at H.S. College Haveli, Kharagpur, Munger, he has been awarded 0 (Zero) marks. He submits that accordingly as per the commission he has been granted 71 marks for system generated score, 3.6 marks for manual generated score and 12 marks for interview, which comes to 86.6 marks, however the same is less than the qualifying marks of 88, which has been obtained by the last selected candidate in the BC category.

18. The learned counsel for the Bihar State University Service Commission further submits that the subject experts are independent academicians and they determine and grant marks after scrutinizing the application, particularly the research publications, the teaching experience and the awards submitted by the respective candidates. The assessment of the expert body is not open to scrutiny by the answering



respondents or even by the Courts, as consistently held by this Hon'ble Court and the Hon'ble Apex Court, unless the assessment is malafide exercise against a particular candidate. It has been lastly submitted that the results of the philosophy subjects has already been published and candidates have already been appointed in terms of the recommendation made by the Commission and the State Government, save and except one post, which has been reserved in terms of the order dated 05.06.2024 passed in this writ petition.

19. The learned counsel for the Commission refers to and relies upon a judgment of the Hon'ble Supreme Court of India reported in **2010 (8) SCC 372 (Basavaiah Vs. Doctor H.L. Ramesh & Ors.)** wherein in paragraph nos. 20, 21, 25 and 26, it has been held as follows:

“20 It is abundantly clear from the affidavit filed by the University that the Expert Committee had carefully examined and scrutinised the qualification, experience and published work of the appellants before selecting them for the posts of Readers in Sericulture. In our considered opinion, the Division Bench was not justified in sitting in appeal over the unanimous recommendations of the Expert Committee consisting of five



experts. The Expert Committee had in fact scrutinised the merits and demerits of each candidate including qualification and the equivalent published work and its recommendations were sent to the University for appointment which were accepted by the University.

21. It is the settled legal position that the courts have to show deference and consideration to the recommendation of an Expert Committee consisting of distinguished experts in the field. In the instant case, the experts had evaluated the qualification, experience and published work of the appellants and thereafter recommendations for their appointments were made. The Division Bench of the High Court ought not to have sat as an appellate court on the recommendations made by the country's leading experts in the field of Sericulture.

25. The teaching experience of foreign teaching institutions can be taken into consideration if it is from a recognised institution of repute. It cannot be said that State University of New York at Buffalo, where Appellant 2 served as an Assistant Professor would not be an institution of repute. The experts aiding and advising the Commission must be quite aware of



institutions in which the teaching experience was acquired by him and this one is a reputed University. According to the experts of the Selection Board, both the appellants had requisite qualification and were eligible for appointment. If they were selected by the Commission and appointed by the Government, no fault can be found with the same. The High Court interfered and set aside the selections made by the Expert Committee. This Court while setting aside the judgment of the High Court reminded the High Court that it would normally be prudent and safe for the courts to leave the decision of academic matters to experts. The Court observed as under: [M.C. Gupta (Dr.) case [(1979) 2 SCC 339 : 1979 SCC (L&S) 168] , SCC pp. 344-45, para 7

“7. ... When selection is made by the Commission aided and advised by experts having technical experience and high academic qualifications in the specialist field, probing teaching/research experience in technical subjects, the courts should be slow to interfere with the opinion expressed by experts unless there are allegations of mala fides against them. It would normally be prudent and safe for the courts to leave the decision of academic matters to experts



who are more familiar with the problems they face than the courts generally can be.”

26. In J.P. Kulshrestha (Dr.) v. Allahabad University [(1980) 3 SCC 418 : 1980 SCC (L&S) 436] the Court observed that the court should not substitute its judgment for that of academicians: (SCC p. 426, para 17)

“17. Rulings of this Court were cited before us to hammer home the point that the court should not substitute its judgment for that of academicians when the dispute relates to educational affairs. While there is no absolute ban, it is a rule of prudence that courts should hesitate to dislodge decisions of academic bodies.”

20. The learned counsel for the Commission further refers to and relies upon a judgment of the Hon'ble Supreme Court of India reported in **2018 (15) SCC 796 (Union Public Service Commission Vs. M Sathiya Priya & Ors.)** wherein in paragraph nos. 15 and 16, it has been held as follows:

“15. CAT and the High Court have mainly relied on the grading given in the Annual Confidential Reports of the officers at the State level while coming to their conclusion. But, in terms of the Regulations and the Guidelines framed



therein, for categorising the officers, the Selection Committee was required to consider the overall relative assessment of the service records of each of the eligible officers. The Selection Committee is not guided merely by the grading recorded in the Annual Confidential Reports but makes its own assessment on the basis of the quality of the officer as indicated in various columns recorded by the Reporting/Reviewing/Accepting Authority thereunder. In other words, the Selection Committee is not required to compulsorily accept the gradings given in the Annual Confidential Reports as it would amount to merely acting as a post office and the whole process would be nothing but a farce. The grading recorded in the Annual Confidential Report of a particular year may differ from the grading arrived at by the Selection Committee in respect of the said Annual Confidential Report depending on all relevant material.

16. The learned counsel for UPSC, drawing the attention of the Court to the contents of the affidavit filed by UPSC before CAT, submits that the Selection Committee also reviews and determines



the overall grading recorded in the Annual Confidential Reports to ensure that the overall grading in the Annual Confidential Reports is not inconsistent with the grading/remarks under various specific parameters or attributes. It is brought to the notice of the Court that the Selection Committee takes into account orders regarding appreciation for meritorious work done by the officers concerned and also keeps in view orders awarding penalties or any adverse remarks duly communicated to the officers, which even after due consideration of their representation by the suitable forum, are not expunged. The aforementioned norms are uniformly applied to all the States/Cadres in the matter of induction into the All India Services.”

21. The learned counsel for the commission further refers to and relies upon a judgment of the Hon’ble Supreme Court of India reported in **2012 (12) SCC 106 (Sajeesh Babu K Vs. N.K. Santhosh & Ors.)** wherein in paragraph no. 16 & 20 it has been held as follows:

16. From the above discussion, it is clear that in terms of the guidelines, the Selection Committee consisting of



three experienced persons assessed the ability of the candidates with reference to the answers for their questions and awarded marks. In the absence of any allegation as to mala fide action on the part of the selectors or disqualification, etc. interference by the High Court exercising extraordinary jurisdiction under Article 226 of the Constitution of India is not warranted.

20. It is clear that in a matter of appointment/selection by an Expert Committee/Board consisting of qualified persons in the particular field, normally, the courts should be slow to interfere with the opinions expressed by the experts, unless there is any allegation of mala fides against the experts who had constituted the Selection Committee. Admittedly, in the case on hand, there is no allegation of mala fides against the three experts in the Selection Committee. In such circumstances, we are of the view that it would normally be wise and safe for the courts to leave the decision of selection of this nature to the experts who are more familiar with the technicalities/nature of the



work. In the case on hand, the Expert Committee evaluated the experience certificates produced by the appellant herein, interviewed him by putting specific questions as to direct sale, home delivered products, hospitality/service industry, etc. and awarded marks. In such circumstances, we hold that the High Court ought not to have sat as an appellate court on the recommendations made by the Expert Committee.

22. The learned counsel for the Commission refers to and relies upon a judgment of Hon'ble single Judge of this Court reported in **1990 (1) SCC 305 (Dalpat Abasaheb Solunke & Ors. Vs. Dr. B.S. Mahajan & Ors.)** wherein in paragraph nos. 12 has held as follows:

12. It will thus appear that apart from the fact that the High Court has rolled the cases of the two appointees in one, though their appointments are not assailable on the same grounds, the court has also found it necessary to sit in appeal over the decision of the Selection Committee and to embark upon deciding the relative merits of the candidates. It is needless to emphasise



that it is not the function of the court to hear appeals over the decisions of the Selection Committees and to scrutinize the relative merits of the candidates. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject. The court has no such expertise. The decision of the Selection Committee can be interfered with only on limited grounds, such as illegality or patent material irregularity in the constitution of the Committee or its procedure vitiating the selection, or proved mala fides affecting the selection etc. It is not disputed that in the present case the University had constituted the Committee in due compliance with the relevant statutes. The Committee consisted of experts and it selected the candidates after going through all the relevant material before it. In sitting in appeal over the selection so made and in setting it aside on the ground of the so called comparative merits of the candidates as assessed by the court, the High Court went wrong and exceeded its jurisdiction.



23. After hearing the parties the judgment in the case was reserved vide order dated 14.05.2026 and the parties were directed to file their written submission on or before 20.05.2026. However, the matter was listed under the heading “To Be Mentioned” and it was recorded that:-

“2. While dictating the judgment, this court found that the experience certificate issued by Hari Singh College, Haveli Kharagpur (Munger), the then constituent unit of Tilkamanjhi Bhagalpur University, Bhagalpur which is contained in Annexure-4 (series) to the writ petition and which has been issued under the signature of the Professor In-Charge of the concerned college on 17.01.2018 and duly counter signed by the Registrar of the University, however the letter number and date was not mentioned at the top of the said document, has not been verified, that whether the same is correct or not.

3. Considering that the said document, which is contained in Annexure-4 (series) of the writ petition did not bear any letter number and date and the same has not even been verified during the course of hearing of the present writ petition, this court found it appropriate to list the matter under the heading 'To Be mentioned' and to direct the



petitioner to implead Tilkamanjhi Bhagalpur University, Bhagalpur, through its Registrar as respondent no. 5 to the present writ petition, during course of the day.”

24. The learned counsel for the petitioner was directed to serve a copy of the entire Pleading upon the Learned Counsel, appearing on behalf of the T.M.B.U., Bhagalpur and the Learned Counsel for the University was directed to get the experience Certificate (Annexure-4 series to the writ petition) verified from the concerned College, that whether the same is correct or not and then to file an affidavit to that effect.

25. A counter-affidavit has been filed by the T.M.B.U., Bhagalpur on 25.06.2026, in terms of order dated 30.04.2026 and 15.06.2026, wherein it has been stated that in compliance of the order dated 15.06.2026 passed in this writ petition the University sent a letter on 18.06.2026 to the principal, H.S. College, Haveli, Kharagpur, Munger, requesting him to verify that whether experience certificate, which has been submitted by the petitioner at the time of submission of his application form, has been issued by the said college or not. In response to the letter of the University dated 18.06.2026, the Principal, H.S. College, Haveli, Kharagpur, Munger, vide his letter no. HSC/170/26 dated 19.06.2026 informed the Registrar,



T.M.B.U., Bhagalpur, that the teaching experience certificate granted by the College for the period 23.09.2013 to 06.12.2017, in favour of the petitioner has been issued by the College and is correct. Accordingly, after hearing the parties vide order dated 02.07.2026 the judgment in the case was reserved.

CONCLUSION/ANALYSIS

26. Having heard the rival submissions and after going through the records, it appears that several advertisements were issued by the Bihar State University Service Commission for appointment to the post of Assistant Professor, including advertisement no. 15/20-21 dated 21.09.2020. Along with different subjects, advertisement for the subject philosophy was also published. The petitioner being eligible, submitted his application form, along with all the requisite documents related to his educational qualification and the certificate issued by the concerned Principal of the College with regard to his teaching experience for 5 years, duly attested by the Registrars of the concerned Universities. Along with the application form the petitioner also submitted 5 research publications for consideration by the Commission. The petitioner was found eligible and later on the commission fixed 82.68 marks for the candidates of the general category to be eligible to be called for



interview and 76 marks for the candidates of the BC category, to be eligible for participating in the interview. The petitioner, who belongs to the BC category, was not called for interview and therefore he filed the present writ petition, since as per his calculation he should have been awarded 91 marks. A learned co-ordinate bench of this Court vide order dated 21.03.2023, while considering the submissions of the learned Senior counsel for the petitioner and the Commission and while recording that the “learned Senior counsel for the petitioner produced the order dated 20.01.2023 passed by a learned Co-ordinate Bench of this Court in CWJC no. 251 of 2023 and submits that result of the interview conducted on 15-16.12.2022 for the subject Philosophy has been stayed, proceeded to direct that till further orders the result of subject Philosophy shall not be published”. It further appears from the record that subsequently a counter-affidavit was filed by the Commission wherein an undertaking was given by the Commission, that they are ready to keep one post reserved, subject to the result of the writ petition, therefore, the result be allowed to be published.

27. A learned co-ordinate Bench of this Court vide order dated 05.06.2024, in view of the submissions made by the learned counsel for the Commission and in view of the



undertaking given by the Commission, permitted the Commission to come out with the result of the subject Philosophy and recorded that “ as agreed one post shall be kept reserved subject to the result of the writ petition”. It appears that during pendency of the writ petition the petitioner was allowed to appear in the interview and he obtained 12 marks in the interview, however since the final cut-off marks for the BC category candidates in the subject Philosophy was fixed at 88 and the petitioner had obtained 86.6 marks, he was not found to be finally qualified for being appointed as an Assistant Professor in the subject Philosophy. It appears from the records that only 1.6 marks was awarded to the petitioner for his teaching experience and the same was for his teaching experience in K.P. College, Murliganj a Constituent unit of, B.N. Mandal University, Madhepura. He was not awarded any marks for his teaching experience at H.S. College, Haveli, Kharagpur, Munger, which was a Constituent unit of T.M.B.U., Bhagalpur till 18.03.2018 and later on is a Constituent unit of Munger University, Munger, which was created w.e.f. 18.03.2018, after bifurcation of T.M.B.U., Bhagalpur. From perusal of Clause 7.2 of the advertisement it would transpire that 10 marks was/is to be awarded for teaching experience i.e. 2 marks for each one



year completed and it has further been mentioned in the advertisement that “however, if the period of teaching/post-doctoral experience is less than one year then the marks shall be reduced proportionately. Its benefit will be given on the basis of the certificate counter-signed by the Registrar of the concerned University. From reading of clause 7.2 it would be clear that 2 marks each was to be awarded for each year of teaching experience and the certificate issued for the same was required to be counter-signed by the Registrar of the University. In case of the petitioner, although his teaching experience certificate were counter-signed by the Registrars of the concerned Universities, however he has not been granted any marks for his teaching experience for his teaching for the period 23.09.2013 to 06.12.2017 at H.S. College, Munger, since the same did not contain memo/letter number and the date of its issuance. From the counter-affidavit filed on behalf of the University on 25.06.2026 it would transpire that the Principal of the College i.e. H.S. College, Haveli, Kharagpur, Munger vide his letter no. HSC/170/26 dated 19.06.2026, informed the Registrar, T.M.B.U., Bhagalpur that the teaching experience certificate granted in favour of the petitioner for the period 23.09.2013 to 06.12.2017 is correct.



28. From the documents brought on record by the University this Court is of the considered opinion that the petitioner was entitled for grant of marks for his teaching experience for the period 23.09.2013 to 06.12.2017 for his teaching at H.S. College, Haveli, Kharagpur, Munger, which has been denied by the B.S.U.S.C. only on the ground that the certificate, which was produced by the petitioner did not contain letter number and date. In the considered opinion of this Court since there was no requirement in the advertisement that the teaching experience certificate must be counter-signed by the Registrar of the University and it must contain letter/memo number and date, therefore if the teaching experience certificate produced by the petitioner did not contain letter/memo number and date, however it was duly counter-signed by the Registrar of the University, it was incumbent upon the Bihar State University Service Commission to get it verified from the concerned College/University and it was not correct on their part to unilaterally not provide any marks for the same. The Commission was under obligation to get it verified, before awarding Zero mark to any candidate, whose certificate did not contain any letter/memo number and date, however was duly counter-signed by the Registrar of the University, in terms of



clause 7.2 of the advertisement. The stand of the Commission is not awarding any marks to the Petitioner for his teaching experience at H.S. College, Haveli Kharagpur was in teeth of Clause 7.2 of their own advertisement, since the only requirement was to get it counter signed by the Registrar of the University, which in the case of the petitioner was there.

29. Accordingly, the Bihar State University Commission is directed to recalculate the marks of the petitioner on the basis of the experience certificate provided by him, for his teaching in H.S. College, Haveli, Kharagpur, Munger from 23.09.2013 to 06.12.2017 and to publish the result of the petitioner after re-calculating the marks, to be awarded for his teaching experience and if the petitioner gets the marks, above the cut-off marks of 88, which has been fixed by the Commission for the BC category candidate and which has been obtained by the last selected BC candidate, appointment letter be issued in favor of the petitioner for appointment on the post of Assistant Professor, Philosophy. Since one post has admittedly been kept reserved, subject to the result of this writ petition, the petitioner, if obtains more than 88 marks, is entitled for his appointment on the said vacant post with all the service related benefits, i.e. seniority which has to be counted w.e.f. the



date when other similarly situated candidates have been given appointment, however he will not be entitled for any salary for the said period, since admittedly he has not worked on the said post. He will be entitled for other service related benefits i.e. grant of pay, promotion etc from the date similarly situated candidates were appointed.

30. With the aforementioned directions, the writ petition is allowed.

31. Pending application(s), if any, shall also stands disposed of.

(Ritesh Kumar, J)

Kunal/-

AFR/NAFR	AFR
CAV DATE	02.07.2026
Uploading Date	28.07.2026
Transmission Date	NA

