



2025:PATHC:91534

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12893 of 2024

Dr. Babita Kumari, Daughter of Prof. R.N. Sharma, Wife of Manoj Kumar,
Resident of Rajeev Nagar, Road No. 9, Near Shiv Mandir Dental Plus, P.O.
Keshrinagar, P.S. Rajeev Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education (Higher), Government of Bihar, Patna.
3. The Director, Higher Education, Department of Education, Government of Bihar, Patna.
4. The Bihar State University Service Commission, through the Chairman, 8th Floor, BSEB Building (ADMIN Block), Budh Marg, Patna, Bihar.
5. The Secretary, Bihar State University Service Commission, 8th Floor, BSEB Building (ADMIN Block), Budh Marg, Patna, Bihar.
6. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
7. All the Candidates of UR Category selected and mentioned in the Merit List Sr. No. 1 to 121 published dated 30.05.2024 contained in the Important Notice No. B.S.U.S.C./Vigya- 56/2022 (Khand-11)-475 Patna, dated 30.05.2024 through the registrar, of their respective Universities.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Advocates Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Madhukar Mishra, AC to SC- 16
For the BSUSC	:	Mr. Anjani Kumar, Sr. Advocate Mr. Alok Kumar Rahi, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 13-10-2025

Heard the parties.

2. The petitioner is aggrieved with the Important Notice, bearing no. BSUSC/Vigya.-56/2022 (Khand-11)-475 Patna, dated 30.05.2024 in connection with Advertisement No. AP-PSYC-16/20-21 issued by respondent nos. 4 & 5 to the





extent whereby the petitioner despite having experience certificate issued by the Principal, Guru Nanak College, vide reference no. 6/NS/20/2019 dated 20.02.2019 claimed to have been counter signed by the Registrar of the concerned University, the same was not accepted by the respondent Commission. The petitioner also sought a direction commanding upon the respondent nos. 4 and 5 to consider her candidature under Clause 7.2(6) of the Advertisement Notice dated 21.09.2020 after accepting her experience certificate and recalculating her marks. Challenge has also been made to the Important Notice, bearing no. BSUSC/Adv.-56/2022 -1520, dated 24.12.2022 to the extent whereby the petitioner despite having experience certificate as per Clause 7.2 of the Advertisement Notice dated 21.09.2019, though has been found to be provisionally eligible, but without awarding marks to the experience gathered by the petitioner.

3. Shorn of details, the respondent Bihar State University Service Commission (hereinafter referred to as 'the BSUSC') issued Advertisement No. AP-PSYC-16/20-21 dated 21.09.2020 inviting applications for 4638 posts of Assistant Professors, including 424 posts in Psychology. The last date for submission of the Online form was fixed on 02.11.2020 and the





submission of the hard copy of the application was prescribed till 24.11.2020, which was later on extended up to 30.12.2020. The petitioner being eligible, filled up her application through Online on 29.11.2020 under the unreserved category and also submitted the hard copy on 08.12.2020. Vide notice no. BSUSC/ Adv.-56/2022 -1520, dated 24.12.2022, the petitioner was declared provisionally eligible subject to resolving discrepancy of father's name in her domicile and matriculation certificate. By the aforesaid notice the candidates were further directed to file their objection and upload/send the following requisite certificates and documents in PDF format vide email till 05.01.2023 by 5:00 PM.

4. It is the case of the petitioner that being a Covid-19 survivor she could not initially submit her experience certificate, duly counter signed by the Registrar, due to pandemic related travel restrictions. However, she later on submitted all the necessary documents, including experience certificate, issued from Guru Nanak College, counter signed by the Registrar, Binod Bihari Mahto Koylanchchal University along with her objections vide Email dated 23.03.2023 and hard copy of which on 24.03.2022 and 19.01.2023. Notwithstanding the aforesaid fact, vide Notice, bearing no. BSUSC/Adv.-





56/2022 -145, dated 19.01.2023, the BSUSC particularly rejected the petitioners' request to consider the experience certificate, nonetheless, accepted her domicile certificate. The petitioner was shortlisted for interview vide notice dated 20.01.2023; accordingly she participated in interview on 27.01.2023. The petitioner claimed to have submitted her experience certificate in required format before the cut off date of filing objection, but the same has not been considered and rejected vide Important Notice dated 19.01.2023, hence she compelled to file representation before the respondent BSUSC, even well within time granted by the BSUSC itself, but surprisingly the name of the petitioner did not find place in the merit list issued vide Notice, bearing no. BSUSC/Vigya.-56/2022 (Khand-11)-475 Patna, dated 30.05.2024.

5. The petitioner also sought information under Right to Information Act, 2005, and came to know that her academic score was 66, Research publication score was 10, 12 marks in the interview was further accorded and aggregate marks has been scored 88, but the respondent authorities failed to extend the marks of experience. If the marks of experience would have been added, then the aggregate comes to 98, but the candidates possessing minimum marks have been selected under





Unreserved category, the cut off marks of which was only 95.

6. Learned Senior Advocate, Mr. Rama Kant Sharma, for the petitioner narrating the aforesaid facts submitted that nonetheless, other similarly situated candidates with deficiency in caste, EWS, NCL, Ph.D. and even experience certificates, were granted additional time to submit documents at the time of interview, but the petitioner was discriminated and deprived from awarding marks of experience certificate, duly submitted by her. The exclusion of the petitioner besides arbitrary, irrational and discriminatory, is contrary to Clause 5.1 of the advertisement, lacks transparency and favoured blue eyed candidates. The shortlisting of the candidates for interview did not disclose any breakup of marks or itemized or calculation of marks for the selected candidates under different heads, such as Academic, Research, Experience, Interview etc. is reflecting serious irregularity in the selection process.

7. Heavy reliance has been placed on a decision rendered by the learned Division Bench of this Court in the case of *Anuradha Singh Vs. The Bihar State University Service Commission & Ors.* (L.P.A. No. 109 of 2025), the copy of which has been placed before this Court. Referring to the aforesaid decision, Mr. Sharma, learned Senior Advocate





vehemently contended that the BSUSC, while sorting the application of the candidate did not mark her for her teaching experience on the sole ground that the experience certificate offered by the appellant was not countersigned by the Registrar of University. The learned Single Judge refused to interfere and rejected the prayer of the candidate/appellant placing reliance upon the Full Bench decision of this Court in the case of ***Braj Kishore Prasad Vs. State of Bihar & Ors.*** reported in, ***1998 (3) PLJR 34*** and the decision of the Hon'ble Supreme Court in the case of ***Bedanga Talukdar Vs. Saifudaullah Khan***, reported in, ***(2011) 12 SCC 85***. The learned Division Bench while allowing the appeal has observed that not awarding any marks to the appellant on the basis of her teaching experience only on this ground of not being counter signed would be unfair and would not be in consonance with the purposive reading of the Statute as also of the advertisement, especially when the process of selection has not proceeded further considerably and shortlisting for the Commerce department has not yet been done. Such hyper-technical approach of the Commission as also of the learned Single Judge has been found to be unfair for a candidate.

8. While concluding the submission, Mr. Sharma,





learned Senior Advocate for the petitioner urged before this Court that as per the information under letter no. 1180 dated 13.08.2024 issued under the signature of Public Information Officer, BSUSC, Patna, still five seats are vacant in Psychology department, hence there is no impediment to consider the candidature of the petitioner after allowing marks of experience, the certificates of which have already been furnished in terms of the advertisement.

9. Dispelling the aforesaid contention, Mr. Anjani Kumar, learned Senior Advocate representing the BSUSC made a preliminary objection with regard to the maintainability of the writ petition on account of the entire selection process having been completed and final merit list was duly published; consequent thereto the informations have been forwarded to the Education Department and now the appointments are being done.

10. Taking this Court through the specific terms and conditions of the Advertisement, especially Clause 5.8 it is submitted that all educational certificates/degrees had to be issued before the closing date of filling application, failing which the candidature of a candidate would be rejected. As per Clause 7, marks bifurcated into educational qualification (100





marks) containing Graduation, Post Graduation, Ph.D., NET with JRF, NET, SLET/SET, Research publication, Teaching/Post Doctoral Experience, Awards and Interview 15 marks. Further Clause 7.2 contemplates, Teaching/Post Doctoral experience contains maximum 10 marks (2 marks for one each year) only if the certificate is counter signed by the Registrar of the University. The process of awarding marks has also been disclosed in para.23 of the second counter affidavit filed on behalf of BSUSC. Referring to Clause 15 of the Advertisement it is submitted that the candidates should make all entries in the Online application form with due care. Any change or modification subsequently will not be acceptable. Commission will never be responsible for any error in filling the application form by the candidate, and for any subsequent negative consequence too, the candidate will himself be responsible. The date of registration was prescribed by 23.09.2020 and the last date of filing the Online application was fixed on 02.11.2020 and the submission of the hard copy was prescribed by 24.11.2020, which was later extended up to 30.12.2020.

11. Admittedly, the petitioner has not filed experience certificate, duly counter signed by the Registrar of the University within the stipulated period, thus in any view of





the matter, the petitioner cannot be allowed marks of the experience; thus she has received '0' (Zero) marks for Teaching/Post Doctoral experience. Emphasizing the requirement of certificate must have been counter signed by the Registrar in the Advertisement, it is submitted that this issue was duly crystalized and upheld by this Court vide judgment dated 12.05.2022, passed in ***C.W.J.C. No. 5424 of 2022 (Krishna Mohan Singh & Ors. Vs. The State of Bihar & Ors.)***.

12. Learned Senior Advocate, Mr. Anjani Kumar, further contended that identical issue has come up for consideration before the learned Division Bench of this Court in L.P.A. No. 653 of 2024 (***The Bihar State University Service Commission & Ors. Vs. Amiya Shekhar & Ors.***) where the Court has categorically held that marks under the head of Teaching/Post Doctoral experience can only be given on the basis of the certificate counter signed by the Registrar of the concerned University. Similarly, the Division Bench of this Court in L.P.A. No. 698 of 2024 (***The Bihar State University Service Commission & Ors. Vs. Anurag Kumar Sinha & Ors.***) vide its judgment dated 24.10.2024 was pleased to reiterate that submission of Teaching experience certificate, counter signed by the Registrar, beyond the last date of submission of Online





application form would not be entertained.

13. Reliance has also been placed on a Full Bench decision of this Court in the case of ***Braj Kishore Prasad Vs. State of Bihar & Ors., reported in, 1998 (3) PLJR 34 (F.B.)***, where the Court underscored the necessity to accord primacy of the terms and conditions of the advertisement and held that where the advertisement specifies the last date for filing of supporting or other documents, the date must be given effect to and any document received after such date shall be rejected by the recruiting authority, even if the same is filed before the finalization of the select list. Reliance has also been placed on Apex Court decision in the case of ***Bedanga Talukdar*** (supra) where the Court emphasized that 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.

14. Reference has also been made to various orders/judgments rendered by the learned Coordinate Benches of this Court where the Court refused to entertain the writ petition on account of belated submission of Teaching Experience Certificate or NCL Certificate etc. The particulars of





the cases have been duly mentioned in para. 37 of the supplementary/second counter affidavit, duly filed on behalf of respondent nos. 2, 3 and 4.

15. Having bestowed anxious consideration to the submission advanced by the learned Senior Advocates for the respective parties and on consideration of the specific stipulations made in the advertisement and the materials available on record, the factual position is admitted to the extent that the petitioner did not submit her experience certificate by one reason or the other till the final extended date provided for filing of the hard copy of the application i.e. 30.12.2020. So far the contention of the learned Senior Advocate for the petitioner that in terms with Important notice, bearing no. BSUSC/Adv.-56/2022 -1520, dated 24.12.2022 whereby the objection was invited, the petitioner besides removing the objection also submitted her experience certificate, duly counter signed by the Registrar through Email on 23.03.2022 and the hard copy on 24.03.2022, the same cannot come to her rescue on the ground that notice only contemplates that the petitioner was found provisionally eligible subject to submission of Domicile certificate, with corrected father's name and his address. The notice dated 24.12.2022 contains the list of eligible, ineligible





and provisionally eligible candidates along with defects, which were to be cured before the prescribed cut off date and also invited objections from respective candidates till 05.01.2023, if there was any error in the published list. The petitioner was also afforded opportunity, as has been accorded to other candidates, however, those candidates, with whom the petitioner is seeking parity, who could not have submitted NCL certificate, which was an important and essential document to claim reservation along with their applications, they have been declared eligible, but under unreserved category. There is none in the list, who failed to produce the experience certificate, duly counter signed by the Registrar of the University, as necessitated under Clause 7.2 of the Advertisement was/were allowed to fill up a fresh application. The petitioner failed to bring on record the name of any of such candidates and, as such, the claim of the petitioner to the extent of causing discrimination and mala fide does not arise.

16. The reliance placed upon the decision rendered by the Division Bench of this Court in the case of **Anuradha Singh** (supra) in **L.P.A. No. 109 of 2025**, admittedly the observation of the learned Division Bench was limited to the facts of the case of the appellant and would not be treated as





precedent generally. Further with utmost regard, the learned Division Bench while differentiating the judgment of the earlier Division Bench rendered in L.P.A. No. 653 of 2024 has noticed that in the said case the candidate had submitted the required certificate quite belatedly and at the stage when the selection process had progressed too far. But, in the case of *Anuradha Singh* (supra) the selection process for the department of Commerce was not started till such time.

17. It would be worth benefiting to notice that the learned Division Bench of this Court in L.P.A. No. 653 of 2024 and L.P.A. No. 698 of 2024 has observed that “the experience certificate, which was not in consonance with the requirement and the candidate failed to submit the requisite experience certificate before the last date of application; and all the more there was not even an attempt made to obtain a certificate in consonance with the requirement and the petitioner came to this Court, by the time the selection had progressed considerably. If such delayed and stale claims are entertained, it will put the entire selection process to jeopardy. The direction issued in C.W.J.C. No. 4952 of 2022 for expeditious transmission of experience certificates to the University and the counter signature after due verification does not help the petitioner, who





before approaching this Court made no attempt to get such counter signature before submitting the application; under an advertisement, which mandated such counter signature. Thus, the learned Division Bench in the above referred cases have been pleased to set aside the order of the learned Single Judge whereby direction has been issued to the University to consider the experience certificate, which was submitted belatedly, though with the counter signature of the Registrar of the University.

18. After going through all the above referred decisions of the Division Bench, this Court is of the opinion that the petitioner failed to make any attempt to obtain a certificate in consonance with the requirement before the cut off date for submission of the experience certificate, duly counter signed by the Registrar. Hence, in the opinion of this Court, the reliance placed by the learned Senior Advocate for the petitioner in the case of *Anuradha Singh* (supra) is not applicable in the facts of the present case. The subsequent Division Bench decision rendered in the case of *Dr. Shishu Pal Singh @ Shishu Pal Singh Vs. The State of Bihar & Ors.* (L.P.A. No. 1003 of 2024), which came to be disposed of on 24.07.2025 did not interfere in the order of the learned coordinate Bench of this





Court whereby the Court held that the candidate did not possess the necessary experience certificate, as the same was not produced even till the last date mentioned by the selecting authority.

19. It would be worth benefiting to place paragraph 7 and 8 of the judgment rendered by the learned Division bench in the case of ***Dr. Shishu Pal Singh @ Shishu Pal Singh*** (supra):

7. The learned Single Judge, also placed reliance on the Judgment of the Hon'ble Supreme Court in *Bedanga Taukdar v. Saifudaullah Khan* : (2011) 12 SCC 85, and a Full Bench judgment of his court in the case of *Braj Kishore Prasad v. State of Bihar* : 1998 (3) PLJR 34, where it had been observed that the selection process has to be conducted strictly in accordance with the stipulated selection procedure and the same has to be maintained unless otherwise specified by the Rules.

8. In the present case, since, the appellant failed to submit the Experience Certificate in the prescribed format, before the cut-off-date mentioned in the advertisement, therefore, the learned Single Judge had rightly observed that no valid experience certificate was produced before the Commission, within the stipulated period. The judgment of the Hon'ble





Supreme Court, as referred by the learned Single Judge, clearly states that the Rules and schedule of recruitment should be strictly followed. The appellant in this case had though submitted an experience certificate, same was required to be counter-signed by the Registrar of the University, and since the certificate of the appellant was not counter-signed, therefore, it is not treated valid.

20. In view of the discussions made hereinabove, this Court does not find merit to accept the contention of the petitioner. Accordingly, the present writ petition stands dismissed.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.10.2025
Transmission Date	NA

