

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10851 of 2024

Alka Kumari Wife of Amit Ranjan, Resident of Road No. 7, Rajiv Nagar,
Police Station- Rajiv Nagar, District- Patna.

... .. Petitioner/s

Versus

1. Bihar State University Service Commission through the Secretary, 8th floor Bihar School Examination, Academic Building, Budhmarg, Patna.
2. The Secretary, Bihar State University Service Commission, 8th floor, Bihar School Examination, Academic Building, Budhmarg, Patna.

... .. Respondent/s

Appearance :

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| For the Petitioner | : | Mr. Sarva Deo Singh, Advocate |
| For the B.S.U.S.C. | : | Mr. Harsh Singh, Advocate Mr. Vinod Jee Verma, Advocate |

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 23-07-2024

Heard Mr. Sarva Deo Singh, learned counsel for the petitioner and Mr. Harsh Singh, learned counsel for the Bihar State University Service Commission.

2. The petitioner is aggrieved by the order dated 26.06.2024 issued by the Bihar State University Service Commission (hereinafter referred to as the “Commission”) (Annexure-P/5 to the writ petition), whereby the petitioner’s application submitted for the post of Assistant Professor (Mathematics) pursuant to advertisement dated 21.09.2020 has been rejected on the ground that the petitioner has not submitted



domicile certificate and also that the petitioner has not submitted the required online application fee.

3. In the advertisement dated 21.09.2020 issued by the Commission, insofar as online application fees are concerned, it has been provided as under :

10. Online Application Fee

10.1 The details of categorywise online application fee are given below-

- (i) For candidate of unreserved category- Rs. 300/- (Rs. Three Hundred Only)
- (ii) For SC/ST candidates of Bihar only-Rs. 75 (Rs. Seventy-five)
- (iii) For women candidates who are permanent residents of Bihar (both reserved and unreserved categories-Rs.75/-)
- (iv) For Physically Disabled (40% or more) candidates-Rs.75/- (Rs. Seventy five)
- (v) For rest of the candidates-Rs.300/-(Rs. Three Hundred)

4. From the above, it appears that for the candidate of unreserved category, online application fee has been prescribed at Rs. 300/- and for women candidates who are permanent resident of Bihar both reserved and unreserved category at Rs. 75/-. The petitioner states to be an unreserved category candidate, who belongs to the State of Bihar. The petitioner had



paid online application fee of Rs.75/- at the time of filing the application. The petitioner, however, did not file domicile certificate stating that she is a permanent resident of Bihar. Under the circumstances, the Commission appears to have found the petitioner not covered by 10.1 (iii) of the advertisement dated 21.09.2020 as no domicile certificate stating that she is a permanent resident of Bihar was available before the Commission to come to a conclusion that the required online application fee of the petitioner would be Rs. 75/- as provided under 10.1 (iii). Accordingly, the petitioner's application was categorised under 10.1 (i) by the Commission and as the required online application fee under the category 10.1 (i) was Rs. 300/-, the petitioner's candidature was rejected by the Commission.

5. In the above backdrop of the facts, it is found that there is no dispute on the fact that the petitioner is a women and belongs to unreserved category of the State of Bihar.

6. On perusal of Clause 10 of the advertisement dated 21.09.2020, it appears that Rs. 300/- is the online application fee required to be submitted by the candidates belonging to the unreserved category and Rs. 75/-, inter alia, for women candidates, who are permanent resident of Bihar (both reserved



and unreserved categories). It, thus, appears that whenever Rs. 75/- is tendered as online application fee by women candidate, such a candidate is required to show that she is a permanent resident of Bihar, which can be shown only by submitting a domicile certificate indicating that such women candidate belongs to the State of Bihar.

7. Thus, in the absence of the petitioner submitting a domicile certificate while filing online application pursuant to the advertisement dated 21.09.2020, the Commission would not be in a position to arrive at a conclusion as to whether the benefit under Clause 10.1 (iii) can be extended to such a candidate.

8. Under the circumstances, I do not find any legal infirmity in the decision of the Commission in rejecting the candidature of the petitioner, who had paid only Rs. 75/- as online application fee without accompanying a domicile certificate indicating that she is a permanent resident of Bihar.

9. Be that as it may, since there is no dispute that the petitioner is a women unreserved candidate and the required online application fee for the candidate of unreserved category is Rs. 300/-, I deem it appropriate to dispose of the writ petition with a direction to the Commission to allow the petitioner to participate in the interview pursuant to the advertisement dated



21.09.2020 for the post of Assistant Professor (Mathematics) on payment of Rs. 300/- as online application fee by 24.07.2024, subject to the petitioner meets the other eligibility criteria prescribed in the advertisement as well as in the relevant recruitment rules.

10. Accordingly, the writ petition is disposed of with the above directions.

(Nani Tagia, J)

Narendra/-

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| AFR/NAFR | NAFR |
| CAV DATE | N.A. |
| Uploading Date | 23.07.2024 |
| Transmission Date | N.A. |

