

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11232 of 2024

Dr. Randhir Kumar Rana Son of Late Pulkit Prasad Yadav, Resident of Village- Bajjnathpur, P.O.- Andauli, P.S.- Kishanpur, District- Supaul, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Under Secretary -cum- Public Information Officer, Bihar State University Service Commission, 8th Floor, BSEB Building, Budh Marg, Patna, Bihar.
3. The Principal Secretary, Department of Education, Government of Bihar, Patna.
4. The Director, Higher Education, Department of Education, Government of Bihar, Patna.
5. Bihar State University Service Commission, through the Chairman, 8th Floor, BSEB Building (ADMIN Block), Budh Marg, Patna, Bihar.
6. The Secretary, Bihar State University Service Commission, 8th Floor, BSEB Building (ADMIN Block), Budh Marg, Patna, Bihar.
7. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17248 of 2024

Gita Kumari Wife of Pramod Chandravanshi @ Pramod Singh Chandravanshi, Resident of Village - Bagdiha, P.O. and P.S. - Guraru, District Gaya and presently residing at 6, Back of Harding Road, P.S. - Sachivayalaya, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Higher Education, Education Department, Govt. of Bihar, Patna.
3. The Chairman, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board, Academic Building, Budh Marg, Patna - 800001.
4. The Secretary, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board, Academic Building, Budh Marg, Patna - 800001.
5. The Examination Controller, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board, Academic Building, Budh



Marg, Patna - 800001.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17461 of 2024

Priyanka Bhagat daughter of Gopal Prasad Bhagat, resident of Ward No. 13,
Station Road, Dumraon, P.S.-Dumraon, District-Buxar.

... .. Petitioner/s

Versus

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

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 18300 of 2024

Mohammad Khursheed Alam Anjum S/o-Md. Zafiruddin Resident of Ward
No.-20, Azad Nagar Araria Bihar- 854311.

... .. Petitioner/s

Versus

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

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2573 of 2025

Mukesh Kumar Bishnu Kant Yadav Resident of Village- Maharajganj Lehita,
Post Office- Samukhiya, Police Station and District- Banka

... .. Petitioner/s



Versus

1. The State of Bihar Bihar
2. The Principal Secretary, Higher Education Department, Government of Bihar, Patna.
3. The Director, Higher Education Department, Government of Bihar, Patna.
4. The Bihar State University Service Commission, 8th Floor, Bihar School Examination Board Academic Building, Budha Marg, Patna, 800001, through its Chairman.
5. The Chairman, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board Academic Building, Budha Marg, Patna.
6. The Secretary, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board Academic Building, Budha Marg, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2605 of 2025

Arvind Kumar Singh Son of Kamal Prasad Singh Resident of East Bypass, Jawahar Tola, Post Office-Aro, Police Station-Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

1. The Bihar State University Service Commission, 8th Floor, Bihar School Examination Board, Academic Building, Budh Marg, Patna through its Secreary.
2. The Secretary, the Bihar State University Service Commission, 8th Floor, Bihar School Examination Board, Academic Building, Budh Marg, Patna through its Secreary.
3. The State of Bihar through Principal Secretary, Education Department, Bihar, Patna.
4. The Secretary-Cum-Public Information Officer, Bihar State University Service Commission, 8th Floor, Bihar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2752 of 2025

Manish Kumar Singh Son of Yugal Kishore Singh, Resident of Village- Naya Tola Hasanpur, P.O.- Hasanpur Garuda, P.S. Mahnar Thana, Vaishali (Bihar), Pin- 844506.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Security, Educational Department, Govt. of Bihar, Patna.
2. The Director, Higher Education, Govt. of Bihar, Patna.



3. The Chairman, Bihar State University Service Commission, Patna.
4. The Secretary, Bihar State University Service Commission, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2754 of 2025

1. Digambar Jha Son of Late Shiv Nandan Jha, Residing at Malpur Singhara, Post- Singhara, Police Station- Mahua, District- Vaishali.
2. Lalji Prasad Yadav, Son of Late Narshing Prasad Yadav, Residing at Shivganj Ward No.- 7, Post- Narkatiaganj Police Station- Shikarpur, District- West Champaran at Bettiah.
3. Basudeo Sah, Son of Shri Shivan Sah, Resident of Village- Bibhupur Matiarwa, Post- Neneya, Police Station- Paharpur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.
4. The Bihar State University Service Commission, through its Chairman, 8th Floor, Bihar School Examination Board Academic Building, Budh Marg, Patna.
5. The Chairman, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board Academic Building, Budh Marg, Patna.
6. The Secretary, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board Academic Building, Budh Marg, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2755 of 2025

Shipra Anand Wife of Deependra Bhardwaj, Resident of Rahul Nagar, Khabra, Post- Khabra Police Station- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Department of Education, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.



4. The Bihar State University Service Commission, through its Chairman, 8th Floor, Bihar School Examination Board Academic Building, Budh Marg, Patna.
5. The Chairman, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board Academic Building, Budh Marg, Patna.
6. The Secretary, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board Academic Building, Budh Marg, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2756 of 2025

Mamta Kumari W/o. Kamlesh Kumar, R/o. House No.- 01, Village - Kolhuara, Post- Nagra, P.S.- Kalyanpur, Dist.- Samastipur, Naranga, Nauraga, Samastipur, Bihar- 848102.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Department of Education, Government of Bihar, Patna, Old Secretariat, Patna, Bihar.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna, Old Secretariat, Patna, Bihar.
3. The Bihar State University Service Commission Patna, through its Chairman, 8th floor, Bihar School Examination Board, Academic Building, Buddh Marg, Patna, Bihar 800001.
4. The Chairman, Bihar State University Service Commission, Patna, 8th floor, Bihar School Examination Board, Academic Building, Buddh Marg, Patna, Bihar 800001.
5. The Secretary, Bihar State University Service Commission, Patna, 8th floor, Bihar School Examination Board, Academic Building, Buddh Marg, Patna, Bihar 800001.
6. The Controller of Examination, Bihar State University Service Commission, Patna, 8th floor, Bihar School Examination Board 8th floor, Bihar School Examination Board, Academic Building, Buddh Marg, Patna, Bihar 800001.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2763 of 2025

Manjuli Kumari Wife of Dr. Madhur Kumar Verma, Resident of Mohalla- Agarwa, Post and Police Station- Motihari Town, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Department of Education, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of



Bihar, Patna.

3. The Director Higher Education, Government of Bihar, Patna.
4. The Bihar State University Service Commission, through its Chairman, 8th Floor, Bihar School Examination Board Academic Building, Budh Marg, Patna.
5. The Chairman, Bihar School Examination Board Academic Building, Budh Marg, Patna.
6. The Secretary, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board Academic Building, Budh Marg, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2852 of 2025

Prabin Kumar Son of Surendra Prasad Mandal, Resident of village Mungroura, Post Jamalpur, P.S. East Colony, District Munger.

... .. Petitioner/s

Versus

1. Bihar State University Service Commission through its Secretary, 8th Floor, Bihar School Examination Board Academic Building, Budha Marg, Patna, Bihar.
2. The Chairman, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board Academic Building, Budha Marg, Patna, Bihar.
3. The Secretary, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board Academic Building, Budha Marg, Patna, Bihar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2885 of 2025

Kanchan Kumari W/o- Pramod Kumar Tarun, Resident of- Village Chhoti Pahari, Behind Sahara godam, Post- Bari Pahari, P.S. Bypass, Gulzarbagh, P.O. Gulzarbagh, District- Patna, Bihar- 800007.

... .. Petitioner/s

Versus

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

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2898 of 2025



Nilima Kumari @ Nalima Kumari Daughter of Shri Sharda Prasad Singh
Resident of 304-A, Mundeshwari Enclave, Akashwani Road, P.O.- Khajpura,
P.S.- Khajpura, District- Patna- 800014.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Bihar State University Service Commission, through its Secretary, 8th Floor, Bihar School Examination Board, Academic Building, Buddha Marg, Patna- 800001.
4. The Chairman, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board, Academic Building, Buddha Marg, Patna- 800001.
5. The Secretary, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board, Academic Building, Buddha Marg, Patna- 800001.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2900 of 2025

1. Jitendra Kumar S/o- Jwala Prasad, R/o- Ward No.- 8, Singhaul Tola, Karubigha, Thana- Nimchak Bathani, P.O.- Karubigha, District- Gaya, Bihar-803116.
2. Ravikant Kumar, S/o Rama Bali Prasad, R/o- 1, Maroofganj, Near Railway Cinema Station Road, Gaya, Bihar- 823001.
3. Rani Minakshi, D/o Chandra Mauli Prasad, R/o- Mawar Path, Biscoman Colony, SabaiTalab, Sampathchak, Patna, Bihar- 800007.
4. Raj Kumar Mallik, S/o- Lakhan Mallik, R/o- Karharba, Thadhi, Tharhi, Ladania, Madhubani, Bihar- 847232.
5. Nirmal Kumar, S/o- Rajendra Prasad Mahto, R/o- Barhauna, Madhepura, Shah Alam Nagar, Bihar- 852210.
6. Rubi Kumari, W/o- ShrikantSuman, R/o- ward No.- 3, Anand Vihar, Madhepura, Bihar-852113.
7. Madhulika Kumari, D/o- Nawal Kishore Bharti, R/o- 86 B, Gali- 15, Palam Railway Station, Sadh Nagar, Palam Colony, Palam Village, P.O.- Palam Village, District- South West Delhi, Delhi-110045, Presently Residing at- Village- Ranibari South Mathai, P.O.- Rukundipur, P.S.-Daroundha, District- Siwan, Bihar- 841238.
8. Mritunjay Kumar, S/o- Surendra Prasad Yadav, R/o- SA 6, Public 1B 4, Lane No.- 2, Om Nagar Colony, Benipur, Varanasi, Sarnath, Presently Residing at Chankya, Modern School, Near LP Shahi Inter-Mediate College, Jagannath Patahi, Muaffarpur, Bihar- 843113.
9. Md. Mozammil, S/o- Md. Anwar, R/o- Ward no.- 12, Phulwaria- 03, Naya



- Tola, Phulwaria, Begusarai, Barauni, Bihar- 851112.
10. Md. Aslam, S/o- Rahamtulah, R/o- Laxmipur, Siwan, Bihar- 841226.
 11. Pankaj Kumar, S/o- Shiv Narayan Yadav, Gosai Tola, Ward No.- 06, Murtiganj, Madhepura, Mrliganj, Bihar- 852122.
 12. Piyush Ranjan, S/o- Guru BachanBhakta, R/o- Pipra, Siwan, Kherai, Bihar- 841231.
 13. Satyendra Prasad, S/o- Baijnath Prasad, Alekh Tola, Sitab Dhara, Shitab Diara, Saran, Bihar- 841312.
 14. Videwati, D/o- Ramnath Pandeya, R/o- Ward No.- 16, Ismailpur, Hajipur, Vaishali, Bihar- 844102.
 15. Bipin Kumar Rai, S/o- Janardan Rai, R/o- Dighwalia, Siwan, Bihar- 841203.
 16. Kumari Vijeta, R/o- Jagdispur, Jagdispur KO, Jahdispur, Sheohar, Bihar- 843316.
 17. Shiv Kumar, S/o- Rajeshwar Prasad Raman, R/o- Khutauna Navtoli, Ward No.- 15, Khutauna, Madhubani, Bihar- 847227.
 18. Jagdeep Kumar, S/o- Dineshwar Prasad Singh, R/o- Ward No.- 11, Pansalawa, Dumri, Dumri, Khagaria, Bihar- 852161.
 19. Vibha Singh, C/o- Ravindra Kumar Singh, Ward No.- 17, Laxmana Nagar, Ring Bandh, Sitamarhi, Bhabdepur, Sitamarhi, Bihar- 843302.
 20. Dilip Kumar, S/o- Ram SagarMahto, R/o- Near Kali Pokhar, Bharokhra, Samastipur, Bihar- 848130.
 21. Arun Thakur, S/o- Dukhi Thakur, R/o- Shivram, Shivram, Semraon, Shivram, Darbhanga, Bihar- 847233.
 22. Shravan Kumar Thakur, S/o- Rajendra Thakur, R/o- Narayanpur, Ward no.- 5, Kothia, Bharaul, Kotjia Bharam, Jhanjharpur, Madhubani, Bihar- 847404.
 23. Suresh Kumar Mahto, S/o- Ganesh Mahto, R/o- Andhra Tharhi, Andhra Tharhi, Madhubani, Bihar- 847401.
 24. Sangeeta Yadav, D/o- Rajendra Yadav, R/o- Hirpur, Vaishali, Jhandha, Bihar- 844505.

... .. Petitioner/s

Versus

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

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3012 of 2025



Manisha Kumari Wife of Ravi Kant Singh, Resident of West Mohan Bigha,
New G.T.Road, Dehri On Sone, Ward No. 16, P.O.- Dalmianagar, P.S.
Danwarua, Rohtas District- Rohtas (Sasaram), Bihar-821305.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Vikash Bhawan, New Secretariat, Patna, Bihar
3. The Director, Higher Education Department, Govt. of Bihar, Vikash Bhawan, New Secretariat, Patna, Bihar
4. The Bihar State University Service Commission, 8th Floor, Bihar School Examination Board, Academic Building, Buddha Marga, Patna-800001, through its Secretary.
5. The Chairman, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board, Academic Building, Buddha Marga, Patna-800001

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3013 of 2025

Smriti Rani Daughter of Kamlesh Sharma, resident of Nawada Chowk Ara,
P.S. Arrah, District- Bhojpur-802301

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Vikash Bhawan, New Secretariat, Patna, Bihar
3. The Director, Higher Education Department, Govt. of Bihar. Vikash Bhawan, New Secretariat, Patna, Bihar
4. The Bihar State University Service Commission, 8th Floor, Bihar School Examination Board, Academic Building, Buddha Marga, Patna-800001, through its Secretary.
5. The Chairman, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board, Academic Building, Buddha Marga, Patna-800001

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3014 of 2025

Rakhi Kumari D/o-Vinod Shankar Yadav R/o-Ward no. 19, Karpuri Chowk,
Madhepura, Madhepura, Bihar- 852113

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of



Education, Government of Bihar, Patna.

2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
 3. The Bihar State University Service Commission Patna. through its Chairman.
 4. The Chairman, Bihar State University Service Commission, Patna.
 5. The Secretary, Bihar State University Service Commission, Patna.
- Respondent/s

with

Civil Writ Jurisdiction Case No. 3090 of 2025

Brij Kumar Bhagat Son of Late Bhutan Bhagat Resident of Near North of R.P.S. Engineering College Kailashpuri Police Station- Danapur District -Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Higher Education Department, Government of Bihar, Patna.
2. The Bihar State University Service Commission through Chairman, 8th Floor, Bihar School Examination Board, Academic Building, Budha Marg, Patna-800001.
3. The Secretary, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board, Academic Building, Budha Marg, Patna-800001.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3162 of 2025

Dr. Md. Rafat Parwez S/o Md. Salimuddin, resident of - Nandan Singh Tola, Machhli Market, Ward No. 14, P.O. - Saharsa Sader, P.S. - Saharsa, Distt. - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Chairman, Bihar State University Service Commission, 8th Floor, Bihar School Examination Board, Academic Building, Budh Marg, Patna (Bihar).
4. The Secretary, Bihar State University Service Commission, Budh Marg, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3163 of 2025



Dr Pankhuri Priya @ Pankhuri Priya D/o Ramkumar Thakur, Wife of Rakesh Kumar Pandey Resident of Village-Kora, P.S. Singhavada, District-Darbhanga.

... .. 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, 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.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3207 of 2025

1. Rajan Kumar Son of Hari lal Ram resident of P.N.T. Road, Indrapuri Colony, Mithanpura, P.S. Mithanpura, Mushhari, District- Muzaffarpur.
2. Pankaj Kumar Son of Rameqbal Ram resident of village- Bhaluan, P.S. Barharia, District- Siwan.
3. Mukesh Kumar Paswan Son of Sadhu Prasad Paswan resident of village- Pastwar, P.S.- Mahishi, District- Saharsa.
4. Vinod Kumar, Son of Fuldeo Ram, resident of village- Bathna Mahodat, P.S. Goraul, District. Viashali, Hajipur.
5. Santosh Kumar Son of Ram Bilas Ram resident of village and P.O. Rajson, P.S. Bidupur, District-Vaishali, Hajipur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Higher Education, Department of Education, Government of Bihar, Patna.
3. The Chairman, Bihar State University Service Commission, 8th Floor, B.S.E.B. Academic Building, Budh Marg, Patna-1.
4. The Secretary, Bihar State University Service Commission, 8th Floor, B.S.E.B. Academic Building, Budh Marg, Patna-1.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3220 of 2025

Nirja Kumari W/o-Umesh Kumar Singh R/o-Village-Kaithi, P.O. and P.S.- Sanjhauli, District-Rohtas (Sasaram), Bihar-802220.



... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Vikash Bhawan, New Secretary, Patna, Bihar.
3. The Director Higher Education Department, Govt. of Bihar, Vikash Bhawan, New Secretariate, Patna, Bihar.
4. The Bihar State University Service Commission, 8th Floor, Bihar, School Examination Board, Academic Building, Buddha Marga, Patna-800001, through its Secretary.
5. The Chairman, Bihar State University Service Commission, 8th Floor, Bihar, School Examination Board, Academic Building, Buddha Marga, Patna-800001,

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3221 of 2025

Dr. Nishat Parveen @ Nishat Parveen Wife of Khurseed Ahmad Khan, R/o K.N. 47/2/7A, Ghausnagar, P.O. G.T.B. Nagar, P.S. Kareli, District - Allahabad (Prayagraj), U.P. 211016.

... .. 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.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3233 of 2025

1. Uttam Kumar son of Vijay Kumar, resident of Mohalla- Gewal Bigha, P.S.- Rampur, District- Gaya.
2. Surya Prakash Kumar son of Shri Jai Prakash Paswan, resident of Village- Chausa, P.S.- Chausa, District- Madhepura.
3. Rajesh Thakur, son of Late Karu Thakur, resident of Mohalla- Rajoundha, P.O. and P.S.- Roushanganj, Block- Bankey Bazar, District- Gaya.
4. Dr. Abhishek Kumar, son of Gopal Prasad Srivastava, resident of Mohalla- 47, Badhai Mohalla Ratu Road, P.O.- G.P.O., Ranchi, District- Ranchi



(Jharkhand).

5. Mukesh Kumar Thakur, son of Yadubir Thakur, resident of Village and P.O.- Kothra, Via- Baheri, P.S.- Hayaghat, District- Darbhanga.
6. Ramashankar Prasad, son of Rambriksha Prasad, resident of Village- Pipra, Lar, P.S.- Kohra, District- Deoria (U.P.)
7. Ajay Kumar, son of Baban Prasad Singh, resident of Village- Balirampur, P.O.- Pajar, P.S.- Kargahar, District- Rohtas.

... .. Petitioner/s

Versus

1. The Bihar State University Service Commission, Patna through its Chairman, 8th Floor, Bihar School Examination Board, Academic Bhawan, Buddha Marg, Patna- 800001, Bihar.
2. The Chairman, Bihar State University Service Commission, Patna, 8th Floor, Bihar School Examination Board, Academic Bhawan, Buddha Marg, Patna- 800001, Bihar.
3. The Secretary, Bihar State University Service Commission, Patna, 8th Floor, Bihar School Examination Board, Academic Bhawan, Buddha Marg, Patna- 800001, Bihar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3256 of 2025

Dr. Kumod Kumar @ Kumod Kumar S/o Jainath Mehta, Resident of Village - Halalpur, P.S.- Dhandaha, District - Purnia.

... .. 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, Sarvodaya College, Govind Sah- Bauku Sha Nagar, Tinghariya, Kursela District Katihar, Pin - 854101.
7. The Registrar, B.N. Mandal University, Laloo Nagar, Madhepura, Bihar, Pin - 852113.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 11232 of 2024)

For the Petitioner/s : Mr. Vikash Kumar Pankaj, Advocate
Mr. Kumar Kaushik, Advocate
For the Respondent/s : Government Pleader (4)



For the BSUC : Mr. Tuhin Shankar, Advocate
Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 17248 of 2024)
For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Rakesh Kumar Sharma, Advocate
For the Respondent/s : Mr. Government Pleader (7)
For the BSUC : Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 17461 of 2024)
For the Petitioner/s : Mr. Rudrank Shivam Singh, Advocate
For the Respondent/s : Government Pleader (19)
For the BSUC : Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 18300 of 2024)
For the Petitioner/s : Mr. Sachin Kumar, Advocate
For the Respondent/s : Standing Counsel (16)
For the BSUC : Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 2573 of 2025)
For the Petitioner/s : Mr. Diwakar Yadav, Advocate
For the Respondent/s : Mr. Gyan Prakash Jha, GA 7
For the BSUC : Mr. Rakesh Kumar Singh, Advocate
Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 2605 of 2025)
For the Petitioner/s : Mr. Vanshika Nupur, Advocate
For the Respondent/s : Mr. Rajesh Kumar, AC to GP (03)
For the BSUC : Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 2752 of 2025)
For the Petitioner/s : Mr. Pragya Sinha, Advocate
Mr. Shashi Shekhar Tiwary, Advocate
Mr. Abhishek Kumar, Advocate
For the Respondent/s : Government Pleader (06)
For the BSUC : Mr. Rakesh Kumar, Advocate
Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 2754 of 2025)
For the Petitioner/s : Mr. Chandra Shekhar Singh, Advocate
Mr. Manoj Kumar, Advocate
For the Respondent/s : Government Pleader (14)
For the BSUC : Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 2755 of 2025)
For the Petitioner/s : Mr. Chandra Shekhar Singh, Advocate
For the Respondent/s : Addl. Advocate General (04)
For the BSUC : Mr. Rakesh Kumar Singh, Advocate
Mr. Pawan Kumar, Advocate



Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 2756 of 2025)
For the Petitioner/s : Mr. Avinash Kumar, Advocate
Mr. Anupam Prabhat Shrivastawa, Advocate
Mr. Harsh Kaushal, Advocate
For the Respondent/s : Mr. M.N. H. Khan, Standing Counsel (1)
Ms. Babita Kumari, AC to SC 1
For the BSUC : Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 2763 of 2025)
For the Petitioner/s : Mr. Chandra Shekhar Singh, Advocate
Mr. Manoj Kumar, Advocate
For the State : Mr. Vishwambhar Prasad, Advocate
For the BSUC : Mr. Harsh Singh, Advocate
Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 2852 of 2025)
For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Respondent/s : Mr. Harsh Singh, Advocate
For the BSUC : Mr. Rakesh Kumar Singh, Advocate
Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 2885 of 2025)
For the Petitioner/s : Mr. Sachin Kumar, Advocate
For the Respondent/s : Mr. Standing Counsel (3)
For the BSUC : Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 2898 of 2025)
For the Petitioner/s : Mr. Kumar Khoushik, Advocate
For the Respondent/s : Mr. Vivek Prasad, GP -7
Mr. Sanjay Kumar, AC to GP 7
For the BSUC : Mr. Binod Jee Verma, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 2900 of 2025)
For the Petitioner/s : Mr. Sachin Kumar, Advocate
Mr. Harsh Kaushal, Advocate
Mr. Abhishek Kr. Pandey, Advocate
For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP-14
For the BSUC : Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 3012 of 2025)
For the Petitioner/s : Mr. Amaresh Kumar Sinha, Advocate
For the Respondent/s : Mr. Kumar Samarjeet Singh, AC to SC 21
For the BSUC : Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 3013 of 2025)
For the Petitioner/s : Mr. Amaresh Kumar Sinha, Advocate
For the Respondent/s : Mr. Standing Counsel (18)
For the BSUC : Mr. Pawan Kumar, Advocate



Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 3014 of 2025)
For the Petitioner/s : Mr. Sachin Kumar, Advocate
Mr. Harsh Kaushal, Advocate
Mr. Abhishek Kumar Pandey, Advocate
For the Respondent/s : Standing Counsel (05)
For the BSUC : Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 3090 of 2025)
For the Petitioner/s : Mr. Gopal Govind Mishra, Advocate
Mr. Munna Kumar Upadhyay, Advocate
For the Respondent/s : Additional Advocate General (09)
Mr. Harsh Singh, Advocate
Mr. Pawan Kumar, Advocate
For the BSUC : Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 3162 of 2025)
For the Petitioner/s : Mr. Prakash Chandra Jha, Advocate
Mr. Amarjeet Prabhakar, Advocate
For the Respondent/s : Government Pleader (17)
For the BSUC : Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 3163 of 2025)
For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Government Pleader (24)
For the BSUC : Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 3207 of 2025)
For the Petitioner/s : Mr. Ajay Kumar, Advocate
For the Respondent/s : Mr. Standing Counsel (26)
For the BSUC : Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 3220 of 2025)
For the Petitioner/s : Mr. Ranjeet Ranjan
For the Respondent/s : Mr. Standing Counsel (21)
For the BSUC : Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 3221 of 2025)
For the Petitioner/s : Mr. Sanjay Kumar
For the Respondent/s : Mr. Government Advocate (10)
For the BSUC : Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 3233 of 2025)
For the Petitioner/s : Mr. Ram Niwas Prasad
For the Respondent/s : Mr. Harsh Singh
For the BSUC : Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate
(In Civil Writ Jurisdiction Case No. 3256 of 2025)



For the Petitioner/s : Mr.Sanjay Kumar
For the Respondent/s : Mr.Government Pleader (16)
For the BSUC : Mr. Pawan Kumar, Advocate
Mr. Utsav, Advocate
Mr. Dhaneshwar Vashist, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 20-02-2025

Heard the parties.

2. The defect(s) as pointed out by the office are ignored.

3. The issue involved in all the writ applications are similar and at the request of the respective counsels, all are being heard together and are being disposed of by a common order.

4. The petitioners have raised common questions that in spite of them having met out the objection, which was sought from the candidates/petitioners on account of alleged failure on their part that either some of the petitioners have not furnished the creamy layer certificates, domicile certificate, requisite total fee as per their respective categories, experience certificate etc. as per the terms and conditions of the advertisement dated 21.09.2020 for alleged shortfall, they have not been called for interview, which will end on 24.02.2025.

5. The objection of the Bihar State University Grants Commission (hereinafter referred to as the "Commission") is basically on the proposition of law that once the advertisement



has notified the last date of submitting documents and other supporting documents, the date must be given effect to and any short fall in non submission on or before the last date i.e. 02.11.2020 in the terms of the advertisement, if received after the date shall be rejected by the selecting authority and that no application / document shall be entertained by the Commission if the same is filed after the last date therefore, the petitioners have not been called for interview. In some of the writ petitions counter affidavits have been filed in which also the stand of the commission is that in terms of the conditions contained in the advertisement, the petitioners were required to furnish documents and fees along with the application at the time of submitting the form and submission of the hard copy within the stipulated time. It has been answered that in absence of the commission having reserved its powers to grant any relaxation in this regard in the terms and conditions of the advertisement, the petitioners have been found not entitled/ eligible for being called for interview and in support has placed reliance on the catena of judgments passed by the Apex Court, particularly, in *Ashok Kumar Sharma vs. Chander Shekhar* reported in (1997) 4 SCC 18, *Bedanga Talukdar Vs. Saifudaula Khan* reported in (2011) 12 SCC 85 and the recent Judgment passed in *Divya Vs.*



Union of India reported in (2024) 1 SCC 448, the commission cannot grant selective relaxations.

6. Facts reveal that dissatisfied by the manner in which the Commission has proceeded, the Division Bench of this Court while hearing LPA No. 604 of 2023 (The State of Bihar & Ors. v. Dr. Amod Prabodhi & Ors.) arising out of CWJC No. 8932 of 2020, in respect of the same Advertisement has noticed in paragraph no. 38, as under:

"38. We cannot but observe, with some anguish, that due to the challenge made to the entire advertisement by a handful of applicants, the filling up of more than 4,000 vacancies have been stalled for almost four years. General contentions were raised as to the excess of the limit prescribed for reservation and the backlog vacancies having not been determined. In fact, the challenge is made by the various applicants who are entitled to be considered only to a specific subject/post. The reservation roster is prepared University-wise and subject-wise and in that circumstance an advertisement ought to be challenged by a person offering his candidature for a subject only with respect to that subject in the particular University/Universities. We have noticed the challenge made by some of the applicants with reference to their specific subjects. We find that the circumstance of one horizontal or vertical reservation not coming up for appointment in the present recruitment would not vitiate the entire recruitment. We make these observations specifically with reference to the plea made as against the reservation for persons with disabilities and grandchildren of freedom fighters."

7. The selection process, which was initiated on 21.09.2020, got delayed for nearly five years. Therefore, before I proceed to pass order, I find it gainful to reproduce the



observation of the Apex Court in the case of ***Mohinder Singh Gill v. Chief Election Commissioner, New Delhi*** reported in ***(1978) 1 SCC 405***, wherein in paragraph no. 8, the Apex Court has held as follows:

"8. The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to court on account of a challenge, get validated by additional grounds later brought out. We may here draw attention to the observations of Bose, J. in Gordhandas Bhanji [Commr. of Police, Bombay v. Gordhandas Bhanji, 1951 SCC 1088 : AIR 1952 SC 16] : "Public orders, publicly made, in exercise of a statutory authority cannot be construed in the light of explanations subsequently given by the officer making the order of what he meant, or of what was in his mind, or what he intended to do. Public orders made by public authorities are meant to have public effect and are intended to affect the actings and conduct of those to whom they are addressed and must be construed objectively with reference to the language used in the order itself."

Orders are not like old wine becoming better as they grow older."

8. In the case of ***Swadeshi Cotton Mills Co. Ltd. v. Union of India*** reported in ***(1981) 1 SCC 664***, the Apex Court has held as under:

"We have already noticed that the statute conferring the power, can by express language exclude its application. Such cases do not present any difficulty. However, difficulties arise when the statute conferring the power does not expressly exclude this rule but its exclusion is sought by implication due to the presence of certain factors such as, urgency, where the obligation to give notice and opportunity to be heard would obstruct the taking of prompt action of preventive or remedial nature."



9. The Apex Court have been of the view in cases where immediate action was imperative *"it was not necessary to sidestep the rule of natural justice because "natural justice is pragmatically flexible and is amenable to capsulation under the compulsive pressure of circumstances."The learned Judge then concludes that plain reading of Section 18-AA of the 5 (1981) 1 SCC 664 6 Industries (Development and Regulation) Act, 1951 makes it clear that it does not exclude the application of the rule of natural justice at the predecisional stage. It is here that Chinnappa Reddy, J. dissented. After referring to the ratio in Kraipak and J.N. Sinha cases, the learned Judge observed as under: "The implication of natural justice being presumptive it may be excluded by express words of statute or by necessary intendment. Where the conflict is between the public interest and the private interest, the presumption must necessarily be weak and may, therefore, be readily displaced. The presumption is also weak where what are involved are mere property rights. In case of urgency, particularly where the public interest is involved, pre-emptive action may be a strategic necessity. There may then be no question of observing natural justice."*

10. Furthermore, the method of shortlisting can validly be adopted by the selection body even in absence of any



rule or regulation is not unknown. The Apex Court in the case of *Bedanga Talukdar (supra)* has held that "selection process has to be conducted in accordance with the stipulated selection process, and when a particular schedule is mentioned in the advertisement, the same has to be scrupulously maintained and there cannot be any relaxation in the terms and conditions of the advertisement unless such a power is specifically reserved in the relevant Statutory Rules. It observed that even if the 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; but the power of relaxation, if exercised, has to be given due publicity and this would ensure that those candidates who became eligible due to the relaxation, are afforded an equal opportunity to apply and to compete. It observed that 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; further when the advertisement did not indicate any power of relaxation, the High Court cannot direct that there should be relaxation granted to any particular candidate and permit him to submit the disability certificate beyond the cut-off date. This principle was also reiterated



recently in State of Bihar & Ors. vs. Madhu Kant Ranjan & Anr. (2021) SCC online 1262."

11. Faced with the similar situation, the Apex Court in case of ***B. Ramakichenin v. Union of India*** reported in (2008) 1 SCC 362, has further observed that the terms and conditions of the advertisement alone has to be followed in paragraphs no. 15, 16 and 17 of the said judgment, has held *inter alia* as follows:

"15. It is well settled that the method of shortlisting can be validly adopted by the selection body vide M.P. Public Service Commission v. Navnit Kumar Potdar [(1994) 6 SCC 293 : 1994 SCC (L&S) 1377 : (1994) 28 ATC 286] (vide paras 6, 8, 9 and 13) and Govt. of A.P. v. P. Dilip Kumar [(1993) 2 SCC 310 : 1993 SCC (L&S) 464 : (1993) 24 ATC 123]

16. Even if there is no rule providing for shortlisting nor any mention of it in the advertisement calling for applications for the post, the selection body can resort to a shortlisting procedure if there are a large number of eligible candidates who apply and it is not possible for the authority to interview all of them. For example, if for one or two posts there are more than 1000 applications received from eligible candidates, it may not be possible to interview all of them. In this situation, the procedure of shortlisting can be resorted to by the selection body, even though there is no mention of shortlisting in the rules or in the advertisement.

17. However, for valid shortlisting there have to be two requirements — (i) it has to be on some rational and objective basis. For instance, if selection has to be done on some post for which the minimum essential requirement is a BSc degree, and if there are a large number of eligible applicants, the selection body can resort to shortlisting by prescribing certain minimum marks in BSc and only those who have got such marks may be called for the interview. This can be done even if the rule or advertisement does not mention that only those who have the aforementioned minimum marks, will be considered or appointed on the post. Thus the procedure of shortlisting is only a practical via media which has been followed by the courts in various decisions since otherwise there may be great difficulties for the selecting and appointing authorities as they may not be able to interview hundreds and thousands of



eligible candidates; (ii) if a prescribed method of shortlisting has been mentioned in the rule or advertisement then that method alone has to be followed."

12. The Apex Court recently in case of **Divya (supra)** in paragraphs no. 61, 62 and 64, has held as follows:

"61. The strong reliance placed on Ram Kumar Gijroya case [Ram Kumar Gijroya v. Delhi Subordinate Services Selection Board, (2016) 4 SCC 754 : (2016) 1 SCC (L&S) 742] also does not impress us. Not only was there no rule, like we have in the present case, it was only while declaring the result, the requirement of submitting the OBC certificate before the cut-off date was introduced by the Selection Authority there. Moreover, unlike the present, there was no contention or issue raised in that case that eligibility enures or crystallises only on the issuance of the certificate and on possession of the certificate, before the prescribed cut-off date.

62. The judgment in Ram Kumar Gijroya case [Ram Kumar Gijroya v. Delhi Subordinate Services Selection Board, (2016) 4 SCC 754 : (2016) 1 SCC (L&S) 742] is also directly in conflict with the judgment of three Hon'ble Judges in Ashok Kumar Sharma v. Chander Shekhar [Ashok Kumar Sharma v. Chander Shekhar, (1997) 4 SCC 18 : 1997 SCC (L&S) 913] wherein in para 6, it was held as under : (Chander Shekhar case [Ashok Kumar Sharma v. Chander Shekhar, (1997) 4 SCC 18 : 1997 SCC (L&S) 913] , SCC pp. 21-22)

"6. ... So far as the first issue referred to in our Order dated 1-9-1995 is concerned, we are of the respectful opinion that majority judgment (rendered by Dr T.K. Thommen and V. Ramaswami, JJ.) is unsustainable in law. The proposition that where applications are called for prescribing a particular date as the last date for filing the applications, the eligibility of the candidates shall have to be judged with reference to that date and that date alone is a well-established one. A person who acquires the prescribed qualification subsequent to such prescribed date, cannot be considered at all. An advertisement or notification issued/published calling for applications constitutes a representation to the public and the authority issuing it is bound by such representation. It cannot act contrary to it. One reason behind this proposition is that if it were known that persons who obtained the qualifications after the prescribed date but before the date of interview would be allowed to appear for the interview, other



similarly placed persons could also have applied. Just because some of the persons had applied notwithstanding that they had not acquired the prescribed qualifications by the prescribed date, they could not have been treated on a preferential basis."

64. Be that as it may, we are bound by the judgment of the three-Judge Bench in *Ashok Kumar Sharma* [*Ashok Kumar Sharma v. Chander Shekhar*, (1997) 4 SCC 18 : 1997 SCC (L&S) 913] and we follow the said judgment and reiterate the principle laid down therein. It is also interesting to note that even in *Deepak Yadav* [*Deepak Yadav v. UPSC*, (2022) 14 SCC 448 : (2023) 2 SCC (L&S) 809] , a judgment, strongly relied upon by the learned counsel for the petitioners, the principle in *Ashok Kumar Sharma* [*Ashok Kumar Sharma v. Chander Shekhar*, (1997) 4 SCC 18 : 1997 SCC (L&S) 913] has been reiterated. However, because of what the Court called an abnormal and cataclysmal year, an exception was made due to the ongoing pandemic, lockdown and restrictions imposed thereof. In *Alok Kumar Singh* [*Alok Kumar Singh v. State of U.P.*, (2018) 18 SCC 242 : (2019) 2 SCC (L&S) 265] , no rules like the ones present in this case are shown to have existed. In the present case, there are clear prescriptions as to eligibility, as has been discussed hereinabove."

13. It has been informed that some of the petitioners have crossed the eligibility age and they have remained expecting their employment. The law relating to legitimate expectation has been widened and is being applied in case of service matters as well. The Apex Court in case of ***Union of India v. Lt. Col. P.K. Choudhary*** reported in (2016) 4 SCC 236 in paragraphs 51 to 56 has held as follows:

"51. *Halsbury's Laws of England*, 4th Edn., Vol. I(I) 151 explains the meaning of "legitimate expectation" in the following words:

"81. *Legitimate expectations*.—A person may have a legitimate expectation of being treated in a certain way by an administrative authority even though he has no legal right in private law to receive such treatment. The expectation may arise either from a representation or promise made by the authority, including an implied representation, or from consistent



past practice.

The existence of a legitimate expectation may have a number of different consequences; it may give locus standi to seek leave to apply for judicial review; it may mean that the authority ought not to act so as to defeat the expectation without some overriding reason of public policy to justify its doing so; or it may mean that, if the authority proposes to defeat a person's legitimate expectation, it must afford him an opportunity to make representations on the matter. The courts also distinguish, for example in licensing cases, between original applications, applications to renew and revocations; a party who has been granted a licence may have a legitimate expectation that it will be renewed unless there is some good reason not to do so, and may therefore be entitled to greater procedural protection than a mere applicant for a grant.”

52. Legitimate expectation as a concept has engaged the attention of this Court in several earlier decisions to which we shall presently refer. But before we do so we need only to say that the concept arises out of what may be described as a reasonable expectation of being treated in a certain way by an administrative authority even though the person who has such an expectation has no right in law to receive the benefit expected by him. Any such expectation can arise from an “express promise” or a “consistent course of practice or procedure” which the person claiming the benefit may reasonably expect to continue. The question of redress which the person in whom the legitimate expectation arises can seek and the approach to be adopted while resolving a conflict between any such expectation, on the one hand, and a public policy in general public interest on the other, present distinct dimensions every time the plea of legitimate expectation is raised in a case.

(Emphasis Supplied)

53. In Food Corporation of India v. Kamdhenu Cattle Feed Industries [Food Corporation of India v. Kamdhenu Cattle Feed Industries, (1993) 1 SCC 71] , one of the earlier cases on the subject, this Court considered the question whether legitimate expectation of a citizen can by itself create a distinct enforceable right. Rejecting the argument that a mere reasonable and legitimate expectation can give rise to a distinct and enforceable right, this Court observed: (SCC p. 76, para 8)

“8. The mere reasonable or legitimate expectation of a citizen, in such a situation, may not by itself be a distinct enforceable right, but failure to consider and give due weight to it may render the decision arbitrary, and this is how the requirement of due consideration of a legitimate expectation forms part of the principle of non-arbitrariness, a necessary concomitant of the rule of law. Every legitimate expectation is a relevant factor requiring due



consideration in a fair decision-making process. Whether the expectation of the claimant is reasonable or legitimate in the context is a question of fact in each case. Whenever the question arises, it is to be determined not according to the claimant's perception but in larger public interest wherein other more important considerations may outweigh what would otherwise have been the legitimate expectation of the claimant. A bona fide decision of the public authority reached in this manner would satisfy the requirement of non-arbitrariness and withstand judicial scrutiny. The doctrine of legitimate expectation gets assimilated in the rule of law and operates in our legal system in this manner and to this extent.”

54. To the same effect is the decision of this Court in Union of India v. Hindustan Development Corpn. [Union of India v. Hindustan Development Corpn., (1993) 3 SCC 499], wherein this Court summed up the legal position as under: (SCC pp. 540 & 546-47, paras 28 & 33)

“28. ... For legal purposes, the expectation cannot be the same as anticipation. It is different from a wish, a desire or a hope nor can it amount to a claim or demand on the ground of a right. However earnest and sincere a wish, a desire or a hope may be and however confidently one may look to them to be fulfilled, they by themselves cannot amount to an assertable expectation and a mere disappointment does not attract legal consequences. A pious hope even leading to a moral obligation cannot amount to a legitimate expectation. The legitimacy of an expectation can be inferred only if it is founded on the sanction of law or custom or an established procedure followed in regular and natural sequence. Again it is distinguishable from a genuine expectation. Such expectation should be justifiably legitimate and protectable. Every such legitimate expectation does not by itself fructify into a right and therefore it does not amount to a right in the conventional sense.

33. On examination of some of these important decisions it is generally agreed that legitimate expectation gives the applicant sufficient locus standi for judicial review and that the doctrine of legitimate expectation is to be confined mostly to right of a fair hearing before a decision which results in negating a promise or withdrawing an undertaking is taken. The doctrine does not give scope to claim relief straightaway from the administrative authorities as no crystallised right as such is involved. The protection of such legitimate expectation does not require the fulfilment of the expectation where an overriding public interest requires otherwise. In other words where a person's legitimate expectation is not fulfilled by taking a particular decision then decision-maker should justify the denial of such expectation by showing some



overriding public interest. Therefore, even if substantive protection of such expectation is contemplated that does not grant an absolute right to a particular person. It simply ensures the circumstances in which that expectation may be denied or restricted. A case of legitimate expectation would arise when a body by representation or by past practice aroused expectation which it would be within its powers to fulfil. The protection is limited to that extent and a judicial review can be within those limits. But as discussed above a person who bases his claim on the doctrine of legitimate expectation, in the first instance, must satisfy that there is a foundation and thus has locus standi to make such a claim. In considering the same, several factors which give rise to such legitimate expectation must be present. The decision taken by the authority must be found to be arbitrary, unreasonable and not taken in public interest. If it is a question of policy, even by way of change of old policy, the courts cannot interfere with a decision. In a given case whether there are such facts and circumstances giving rise to a legitimate expectation, it would primarily be a question of fact. If these tests are satisfied and if the court is satisfied that a case of legitimate expectation is made out then the next question would be whether failure to give an opportunity of hearing before the decision affecting such legitimate expectation is taken, has resulted in failure of justice and whether on that ground the decision should be quashed. If that be so then what should be the relief is again a matter which depends on several factors.”(Emphasis Supplied)

55. Reference may also be made to the decision of this Court in *Punjab Communications Ltd. v. Union of India* [*Punjab Communications Ltd. v. Union of India*, (1999) 4 SCC 727], wherein this Court held that a change in policy can defeat a substantive legitimate expectation if it can be justified on “*Wednesbury [Associated Provincial Picture Houses Ltd. v. Wednesbury Corpn., (1948) 1 KB 223 : (1947) 2 All ER 680 (CA)] reasonableness*”. The choice of policy is for the decision-maker and not the Court. The legitimate substantive expectation merely permits the Court to find out if the change of policy which is the cause for defeating the legitimate expectation is irrational or perverse or one which no reasonable person could have made. A claim based merely on legitimate expectation without anything more cannot ipso facto give a right. Similarly, in *Chanchal Goyal v. State of Rajasthan* [*Chanchal Goyal v. State of Rajasthan*, (2003) 3 SCC 485 : 2003 SCC (L&S) 322], this Court declined relief on the plea of legitimate expectation on the ground that the appellants had not shown as to how any act was done by the authorities which created an impression that the conditions attached to the original appointment order were waived. No legitimate expectation could be, declared this Court, claimed on such unfounded



impression especially when it was not clear as to who and what authority had created any such impression. The decisions of this Court in Ram Pravesh Singh v. State of Bihar [Ram Pravesh Singh v. State of Bihar, (2006) 8 SCC 381 : 2006 SCC (L&S) 1986] , Sethi Auto Service Station v. DDA [Sethi Auto Service Station v. DDA, (2009) 1 SCC 180] , Confederation of Ex-Servicemen Associations v. Union of India [Confederation of Ex-Servicemen Associations v. Union of India, (2006) 8 SCC 399 : 2006 SCC (L&S) 2002] and State of Bihar v. Kalyanpur Cement Ltd. [State of Bihar v. Kalyanpur Cement Ltd., (2010) 3 SCC 274] , reiterate the legal position stated in the decisions earlier mentioned.

56. In Monnet Ispat and Energy Ltd. v. Union of India [Monnet Ispat and Energy Ltd. v. Union of India, (2012) 11 SCC 1] , this Court reviewed the case law on the subject and quoted with approval the following passage in Attorney General for New South Wales [Attorney General for New South Wales v. Quinn, (1990) 64 Aust LJR 327 : (1990) 170 CLR 1] : (Monnet Ispat case [Monnet Ispat and Energy Ltd. v. Union of India, (2012) 11 SCC 1] , SCC p. 107, para 184)

“184. ... ‘To strike down the exercise of administrative power solely on the ground of avoiding the disappointment of the legitimate expectations of an individual would be to set the courts adrift on a featureless sea of pragmatism. Moreover, the notion of a legitimate expectation (falling short of a legal right) is too nebulous to form a basis for invalidating the exercise of a power when its exercise otherwise accords with law.’ (Attorney General for New South Wales case [Attorney General for New South Wales v. Quinn, (1990) 64 Aust LJR 327 : (1990) 170 CLR 1] , Aust LJR)”

This Court went on to hold that if denial of legitimate expectation in a given case amounts to denial of a right that is guaranteed or is arbitrary, discriminatory, unfair or biased, gross abuse of power or in violation of principles of natural justice, the same can be questioned on the well-known grounds attracting Article 14 of the Constitution but a claim based on mere legitimate expectation without anything more cannot ipso facto give a right to invoke these principles.”

(Emphasis Supplied)

14. The Hon'ble Supreme Court recently reiterated the principle in case of ***Sivanandan C.T. & Ors. vs. High Court of Kerala & Ors.*** reported in ***(2024) 3 SCC 799*** in paragraphs No. 40, 47 and 49 has held as follows:



"40. The principle of fairness in action requires that public authorities be held accountable for their representations, since the State has a profound impact on the lives of citizens. Good administration requires public authorities to act in a predicable manner and honour the promises made or practices established unless there is a good reason not to do so. In *Nadarajah [R. (Nadarajah) v. Secy. of State for the Home Deptt., 2005 EWCA Civ 1363]*, Laws, L.J. held that the public authority should objectively justify that there is an overriding public interest in denying a legitimate expectation. We are of the opinion that for a public authority to frustrate a claim of legitimate expectation, it must objectively demonstrate by placing relevant material before the court that its decision was in the public interest. This standard is consistent with the principles of good administration which require that State actions must be held to scrupulous standards to prevent misuse of public power and ensure fairness to citizens.

D. Application of the doctrine of legitimate expectation

47. In order to apply the abovementioned principles in the present case, we consider it appropriate to formulate the following questions : (i) what has the High Court, either by promise or practice, committed itself to; (ii) whether the High Court has acted unlawfully in relation to its commitment; and (iii) what should this Court allow. [See *R. (Bibi) v. Newham London Borough Council, (2002) 1 WLR 237 (CA)*]

49. The statutory rule coupled with the scheme of examination and the 2015 examination notification would have generated an expectation in the petitioners that the merit list of selected candidates will be drawn on the basis of the aggregate of total marks received in the written examination and the viva voce. Moreover, the petitioners would have expected no minimum cut-off for the viva voce in view of the express stipulation in the scheme of examination. Both the above expectations of the petitioners are legitimate as they are based on the sanction of statutory rules, scheme of examination, and the 2015 examination notification issued by the High Court. Thus, the High Court lawfully committed itself to preparing a merit list of successful candidates on the basis of the total marks obtained in the written examination and the viva voce." (Emphasis Supplied)

15. The Division Bench in LPA No. 604 of 2023 has finally settled the issue relating to reservation in excess of 50 percent quota . Thereafter, the Commission proceeded to come



out with an important notice No. 754 dated 14.10.2024, which relates to history subject, however, it has been informed just now by learned counsel appearing on behalf of the Commission that in respect of all the subjects, such important notices have been issued not to delay the selection process. Subsequent to the notice in respect of all the subjects, candidates had filed their objection fulfilling the condition no. 15 and all the shortlisted candidates have been notified vide important notice No. 238 dated 23.01.2025 in respect of history subjects and other which contains the list of UID number wise listing of such candidates, whose applications were accepted and they were required to face the interview. However, it was further detected by the Commission that in absence of cut-off prescribed category-wise for reserved and unreserved candidates though the applications were accepted, they have not been called for the interview for the said purposes. The delay and repeated inaction on the part of the commission like non-detection of creamy layer certificate and other documents required as per the terms and conditions of the advertisement to denial of the prospecting candidates to face interview, they filed several writ petitions before this Court.

16. A co-ordinate Bench of this Court in CWJC No. 2677 of 2025, arising out of the advertisement dated 21.09.2020



taking into consideration the merits of the case, has directed the Commission to seek instruction from the Principal of the College and the Registrar of the University, as to whether, the teaching experience certificate submitted by the petitioners of the said writ petition is genuine or a forged document and had directed the Commission to file its counter affidavit. This Court has verified from the said fact that before the exercise has been completed by the Commission, they have restrained the petitioner, namely, Dinesh Kumar Gupta, of the said writ petition from facing interview.

17. In course of hearing, it has been informed that several writ petitions were disposed of and the aggrieved parties have preferred several SLP(s) before the Apex Court. One of the SLP bearing Special Leave to Appeal (C) No. 11293 of 2024 has been filed by such candidate.

18. I find that the Commission till date has not exercised in totality, at the same time, has announced the last date of interview to be held on 24.02.2025. The order dated 18.02.2025 passed by a co-ordinate Bench of this Court in CWJC No. 2677 of 2025 will hardly matter in respect of the candidates, who have been shortlisted and their candidature in their Class/Subject/Category has been rejected by the



Commission on one ground or other before complete exercise is yet to be done by the Commission till date. The decision of the authority can only be said to not taken in public interest and it would be iniquitous in not allowing in such circumstances to allow the shortlisted/ ineligible candidates to provisionally face the interview subject to the result of SLP No. 11293 of 2024.

19. Nearly five years have lapsed from the date of advertisement i.e. 21.09.2020 and it has been informed by the learned counsels that many of the petitioners' age has expired or is going to expire, frustrating their entitlement of employment, which is in violation of Articles 14, 16 and 21 of the Constitution of India.

20. In view of the aforesaid facts and circumstances, I direct the Chairman of the Commission to take steps to provisionally call the petitioners for interview on or before the last date i.e. 24.02.2025 or extend the date by taking necessary steps by not to sidestep the rule of natural justice. However, the result of the above exercise in respect of all the petitioners will be subject to the result of the SLP No. 11293 of 2024 and other cases pending before the Hon'ble Supreme Court arising out of the advertisement dated 21.09.2020 published by the Commission.



21. Accordingly, the writ petitions are disposed of
with the aforesaid direction.

(Purnendu Singh, J.)

Niraj/-
Ashishsingh/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	21.02.2025
Transmission Date	N/A

