

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8940 of 2020

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1. Dr. Sumit Saurav, aged about 42 years, male, S/o Ajeet Kumar Shrivastava, Resident at-Bhuneshwar Shadan Sri Krishna Nagar, Motihari, P.S.-Motihari (Town), Dist-East Champaran.
 2. Dr. Rajesh Kumar Projwal, aged about 34 years, male, S/o Dina Nath Goswami, Resident at Bangli Shop, Arwal, P.S.-Arwal, Dist-Arwal.
 3. Dr. Basant Kumar, aged about 35 years, male, S/o Vijay Prasad, Resident of Village-Majorganj, P.S.-Majorganj, Dist.-Sitamarhi.
 4. Dr. Arvind Kumar, aged about 33 years, male, S/o Ram Lakhan Sao, Resident of Village-Motipur, P.S.-Kurtha, Dist.-Arwal.
 5. Anupama Kumari, aged about 30 years, female, D/o Arun Kumar, Resident of House No.15, Dariyapur Gola Road, P.S.-Kadam Kuan, Dist.-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar.
2. The University Grant Commission through its Chairman, New Delhi.
3. The Chairman, University Grant Commission, New Delhi.
4. The Joint Secretary, University Grant Commission, New Delhi.
5. The Bihar State University Service Commission through the Chairman, Buddha Marg, Patna.
6. The Chairman, Bihar State University Service Commission, Buddha Marg, Patna.
7. The Secretary, Bihar State University Service Commission, Buddha Marg, Patna.
8. The Principal Secretary, Human Resource Department, Govt. of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No. 1, Adv.
For the Respondent Nos. 5 - 7 : Mr. Pawan Kumar Choudhary, Adv.
For the State : Mr. Prabhakar Jha, GP-27



CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 09-03-2021

Heard Mr. Mukesh Kumar No. 1, learned Advocate for the petitioners and Mr. Pawan Kumar Choudhary, learned counsel for the respondent Nos. 5 to 7. The State is represented by Mr. Prabhakar Jha, learned GP-27.

2. This is an application for quashing of the advertisement dated 21.09.2020 published by the Bihar State University Service Commission for appointment to the post of Assistant Professors in different constituent colleges of different universities of the State of Bihar.

3. It is the claim of the petitioners that subject "Women Studies" has not been included in the impugned advertisement as allied subject of the core subjects, viz., History or Social Sciences. Since the petitioners are qualified in "Women Studies", they have the legitimate expectation that their learning would have been put to some use. This expectation has further been strengthened by the fact that in several universities across the country, the



subject "Women Studies" has been treated as an important allied subject.

4. In support of the claim of the petitioners, it has been submitted that "Women Studies" is specifically treated as an allied subject by the University Grants Commission (*in short the UGC*) also for UGC-NET examination for the core subjects of History, Economics and Social Sciences.

5. Learned counsel for the petitioners has drawn the attention of this Court to a request letter sent by the Registrar, Patna University for considering the inclusion of the subject "Women Studies" in the advertisement in question.

6. As opposed to the aforesaid contentions, learned counsel for the respondents has submitted that during the pendency of this writ petition, a corrigendum dated 17.11.2020 had been issued, modifying the advertisement for appointment on the post of Assistant Professors by including some of the core subjects. This decision was taken after the opinion of the Subject Experts



were obtained. The subject "Women Studies" as an allied subject of Social Sciences has not been accepted or recommended for being included in the impugned advertisement by the Subject Experts.

7. It has further been submitted on behalf of the respondents that there is no request of the Registrar, Patna University to the UGC as has been claimed by the petitioners; but the request letter of the petitioners addressed to the Registrar, Patna University has been forwarded to the UGC for necessary consideration in the matter.

8. Apart from this, it has been submitted that the only basis for the petitioners to expect the inclusion of the subject "Women Studies" in the advertisement is that there is a precedent of candidates with Masters degree in Humanities having been allowed to appear for the subject "Women Studies" as it is included in the list of NET subjects. On the basis of the aforesaid inclusion of "Women Studies" in such list, it is being presumed that the "Women Studies" discipline is necessarily an allied subject in the core subjects



of either History or Economics or Sociology or any other subject falling under Social Sciences and Humanities group.

9. According to the UGC Regulation and the Statutes for the appointment of Assistant Professors in the Universities of Bihar, it is required that report with respect to the Committee of Subject Experts be obtained with respect to taking a decision regarding the allied/relevant subject in which appointment shall be made. The report of the Subject Experts for the core subjects is thus required to be taken into consideration for taking any decision to include any subject as an allied subject of any one of the core subjects. Unfortunately, the Subject Expert Committee has declined to recommend "Women Studies" as one of the allied subjects in core subject of Humanities/Social Sciences.

10. This issue is best left to the wisdom and the experience of the Subject Experts and of the UGC.

11. No *mandamus* can be issued to the authorities to include a particular subject in the list of allied subjects.

12. However, taking into account the fact that



the petitioners have acquired learning in the aforesaid subject, viz., "Women Studies" and have legitimate expectation of their learning being put to use, coupled with the fact that some of the major universities of the country have included "Women Studies" as an allied subject which is associated with the core subjects of Humanities and Social Sciences and that only recently, women's day was celebrated with great exhilaration, this Court deems it appropriate to direct that in case the petitioners make a suitable representation before the Principal Secretary, Department of Education, Govt. of Bihar in this regard within a period of two weeks from today, such representation shall be considered appropriately.

13. If any decision is taken early in point of time, it might fetch benefits for the petitioners as the process of appointment has not yet been completed and interview with respect to other subjects is still going on.

14. However, that decision is left to the discretion of the concerned authority.

15. This Court is conscious of the fact that a



decision in this regard cannot be taken by a Court of law as the opinion of the Subject Experts and of the Framers/Regulators in the field is required to be given primacy; nonetheless, this Court expects that if "Women Studies" as a subject has gained acceptance in almost all the Universities of India, including the Patna and Magadh Universities, it ought to be considered for the Bihar University also.

16. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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