

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.413 of 2025
In
Civil Writ Jurisdiction Case No.4687 of 2025

Dr. Kiran Kumari D/o-Yogendra Sah resident of -Gandhi Path, Ward No. 10,
Near Niraj Gupta House, P.O.- Saharsa Sader, P.S.-Saharsa, District-Saharsa
at present Vidyapati Nagar, ward no. 18, Saharsa (Bihar)

... .. Appellant/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

Appearance :

For the Appellant/s : Mr. Amarjeet Prabhakar, Advocate
For BSUSC : Mr. Anjani Kumar, Sr. Advocate
For the Respondent/s : Mr. Additional Advocate General (4)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-04-2026

The Letters Patent Appeal has been filed by the petitioner, Dr. Kiran Kumari challenging the order dated 25.03.2025 passed by the learned Single Judge in C.W.J.C. No. 4687 of 2025 in dismissing the writ petition.

2. The writ petition was filed seeking for following relief(s):-

“(i) To issue a writ in the nature of mandamus directing the respondents



to add the name of the petitioner in the list notified for inviting the candidates appearing in the interview scheduled for selection and appointment of Assistant Professor (History) in connection with advertisement no. AP-HIST-08/20-21.

(ii) To hold and declare that as per the notification /guide line of the State of Bihar. Bihar State University Service Commission the point which has to be given upon the various degrees, research and journal i.e. on self physical calculation is 75 points of the petitioner on the basis of the documents of degree and research and journals, accordingly he is standing to be a fit candidate for having place in the letter of invitation containing list of candidates issued by the respondents because in that letter the cutoff point of EBC F category is mentioned as 62 as pointed out by the authority himself.

(iii) To hold and declare that respondents authority have prepared the list of invitation of the candidates for the selection for Assistant Professor (History) to ignore the genuine candidate having bonafide candidature in term of merit like this petitioner.

(iv) To direct the respondents to issue a letter of invitation to the petitioner



to appear and participate in the interview scheduled for selection of appointment of Assistant Professor(History) in connection with the aforesaid advertisement.

(v) To hold and declare that the action of the respondents by which they have ignore the candidate-ship of this petitioner and sleeping over the hectic representation submitted before them is bad in law emanating from Article 14,16,21 and 309 of the constitution of India;

(vi) To hold and declare that the grievances of petitioner is justified and genuine fit to be redressed.”

3. It is the case of the petitioner that an advertisement bearing No. AP-HIST-08/20-21 was floated by the Bihar State University Service Commission, Patna for selection and appointment of Assistant Professor in the subject of History, and candidates were invited to submit their applications and accordingly the petitioner having fulfilled the requisite eligibility criteria, submitted her application along with the certificates and research work, and her application was accepted. According to the petitioner, the cut-off marks fixed for calling candidates for interview was 62, and even though, according to her own calculation, she had secured 75 marks but she was not called for the interview and the authorities



erroneously, deliberately and arbitrarily ignored the candidature-ship of the petitioner.

4. It is the further case of the petitioner that she had got legal and valid right to appear in the interview for her selection and appointment to the said post but her candidature has been ignored and she has been ousted from the selection process.

5. When the matter was taken up before the learned Single Judge, the learned Single Judge came to hold that, taking note of the submission made by the Bihar State University Service Commission that since the interview for the post of Assistant Professor (History) has been concluded on 24.02.2025, therefore, the relief sought for by the petitioner cannot be granted. Accordingly, the writ petition was disposed of.

6. Mr. Anjani Kumar, learned Senior Advocate appearing for the Bihar State University Service Commission submitted that the commission had fixed the cut off marks of 62 for calling the candidates for the interview and since the petitioner had not secured 62 marks, she was not called for the interview and therefore, no fault can be found with the commission.



7. Nothing has been produced before us that in spite of securing either 62 marks or more by the petitioner, she was not called for the interview.

8. After hearing the learned counsel for the respective parties, since we do not find any perversity or palpable unreasonableness in the impugned order passed by the learned Single Judge and the Appellate Jurisdiction under the Letters Patent Appeal is to be used rarely only to correct errors which is not there in the impugned order, therefore, we are not inclined to interfere with the same.

9. Accordingly, the Letters Patent Appeal stands dismissed.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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