

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7766 of 2020

=====

Dilip Kumar Choudhary, Male, aged about 50 Years, Son of Sri Hira Lal Choudhary, resident of Village- Kajipura, P.S.- Khalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Education Department, Govt. of Bihar, Patna.
3. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.
4. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
5. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Navjot Yesu, Adv.
For the State : Mr. Ram Vinay Prasad, AC to GA-12
For the B.P.S.C. : Mr. Sanjay Pandey, Adv.
Mr. Nishant Kumar Jha, Adv.
For the University : Ms. Rekha Prasad, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 02-12-2021

Heard Mr. Navjot Yesu, the learned Advocate for the petitioner, Mr. Sanjay Pandey, the learned counsel for the Bihar Public Service Commission and Ms. Rekha Prasad, the learned counsel for the Tilka Manjhi Bhagalpur



University. The State is represented by Ram Vinay Prasad, learned AC to GA-12.

2. This writ petition has been filed for a direction to the respondent authorities, especially the Bihar Public Service Commission (*in short the B.P.S.C.*), to treat the degree of the petitioner in Labour and Social Welfare (L.S.W.) to be equivalent to Industrial Relations and Personnel Management (I.R.P.M.).

3. The learned counsel for the petitioner has submitted that pursuant to an advertisement issued in the year 2014 requiring applications to be filed for filling up the vacancies for the post of Assistant Professors, the petitioner had applied against Advertisement No. 63 of 2014 in the subject "Industrial Relations and Personnel Management".

4. Since the petitioner has a degree in Labour and Social Welfare from the Tilka Manjhi Bhagalpur University (*in short the University*), the same has not been taken as the requisite qualification and he has been non-suited.

5. An opportunity was given to the petitioner to



object to such a decision, but such objection did not yield any result and his claim was rejected on the ground that the degree which he had was in "Labour and Social Welfare" and not in "Industrial Relations and Personnel Management".

6. From the advertisement brought on record by way of Annexure-9, it appears that three different subjects with overlapping papers have been advertised. Advertisement No. 62 of 2014 is for the subject Industrial and Personnel Management. Advertisement No. 63 of 2014 is for the subject Industrial Relations and Personnel Management, whereas Advertisement No. 64 of 2014 is for Labour and Social Welfare.

7. Mr. Pandey, the learned counsel for the B.P.S.C. has drawn the attention of this Court to the distinction in the three subjects and has stated that all the subjects are to be filled by virtue of appointment process, notwithstanding the fact that papers in these subjects might overlap but that would not be relevant for deciding the eligibility of such applicants who have degree in either of the subjects.



8. It further appears from the record that when such an objection was raised by the petitioner, necessary clarification was sought by the B.P.S.C. from the State Government and the Government replied that the terms of the recruitment process ought not to be changed under any condition as it would only foment litigation.

9. One of the candidates who had applied for all the three subjects and was found eligible, also wanted the interview in such subjects to be conducted on the same day so that she does not find it inconvenient and would be in a position to appear in all the three interviews on one day, but such request was turned down.

10. Mr. Yesu, the learned Advocate for the petitioner has lastly submitted that the University from where he has obtained the post-graduate degree in Labour and Social Welfare, has come out with a notification that the subject "Labour and Social Welfare" would henceforth be known as subject "Industrial Relations and Personnel Management".

11. However, from a perusal of the aforesaid



notification, it appears that the change of the nomenclature has been made effective from 1996-1998. It appears that the petitioner has obtained the P.G. degree in the subject "Labour and Social Welfare" from the University in the year 1995. That being the situation, the petitioner cannot claim that he be treated as an eligible aspirant in the discipline of Industrial Relations and Personnel Management.

12. Apart from this, there is no specific pleading in the writ petition that the petitioner had not applied against the subject of Labour and Social Welfare and had only made an application for being considered in the subject of Industrial Relations and Personnel Management.

13. This statement has also not been clearly stated in the counter affidavit of the B.P.S.C.

14. However, the fact remains that the petitioner never challenged the decision of the B.P.S.C. in not recognizing the subject/discipline of the petitioner to be Industrial Relations and Personnel Management in place of Labour and Social Welfare, but has come up before this Court only for a direction to the respondent authorities to



treat the two subjects, viz., Labour and Social Welfare and Industrial Relations and Personnel Management to be one and same. But, in view of the fact the P.G. degree of the petitioner on which he rests his claim is of the year 1995 when the subject in question was known as Labour and Social Welfare, he does not have any case to pursue.

15. For the reasons afore-stated, the writ petition is dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	05.12.2021
Transmission Date	N/A

