



IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.497 of 2025
In
Civil Writ Jurisdiction Case No.17205 of 2022

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Rama Shankar, (UID No. RAM13101983LAW00440767), Son of Ramchandra Pandit, Resident of House No. 49, Road No.39, Raghunath Tola, Anishabad, P.S.-Gardanibagh, District-Patna, Bihar.

... .. Appellant

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 Higher Education Council through the Chairman, Patna, Bihar.
4. The Chairman, Bihar State Higher Education Council, Patna, Bihar.
5. The Bihar State University Service Commission through the Chairman, Patna, Bihar.
6. The Chairman, Bihar State University Service Commission, Patna, Bihar.
7. The Patna University, Patna through the Vice- Chancellor.
8. Quemre Alam Son of Azazul Haque Resident of Village-Sandali, P.O. and P.S. - Barauli, District- Gopalganj -Bihar-841405.

... .. Respondents

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Appearance :

For the Appellant/s	:	Mr. Mrigank Mauli, Sr. Advocate Mr. Vikas Kumar Jha, Advocate
For the State	:	Mr. Sarvesh Kumar Singh, AAG-13 Mr. Abhinave Alok, AC to AAG-13
For the BSUSC	:	Mr. Pawan Kumar, Advocate Ms. Diksha, Advocate
For the P.U.	:	Mr. Manish Dhari Singh, Advocate
For the Resp No.8	:	Mr. Abhinav Srivastava, Sr. Advocate Mr. Pushkar Bhardwaj, Advocate Mr. Md. Tauseef Waquar, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE
And
HONOURABLE MR. JUSTICE HARISH KUMAR
CAV JUDGMENT
(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)**

Date : 25-03-2026

Heard the learned Senior Advocate(s)/Advocates appearing for the respective parties.

2. The present intra-court appeal challenges the judgment dated 04.04.2025 passed in C.W.J.C. No.17205 of 2022, whereby the writ petition filed by the writ petitioner/appellant, seeking allocation and preferential posting at Patna University under the EBC category, was rejected on the grounds stated therein.

3. The brief facts, leading to the filing of the present appeal, are summarized as follows:-

(i) In exercise of the powers conferred under Section 36(7) of the Bihar State University Act, 1976 and the Patna University Act, 1976 (as amended from time to time), the Hon'ble Chancellor of the Universities of Bihar approved the Statutes governing the appointment of Assistant Professors in the Universities of Bihar. A notification to this effect was issued vide Memo No. BSU (Statute)-25/1472/GS(I) dated 10.08.2020. In accordance with the provisions contained in the said Statutes and based on the requisition received from the Education





Department, Government of Bihar, for filling up the vacant posts of Assistant Professor in various Universities and their constituent colleges in the subject of “Law,” the Bihar State University Service Commission, Patna (hereinafter referred to as “the Commission”), issued Advertisement No. AP-LAW-40/20-21P dated 21.09.2020.

(ii) Pursuant to the said advertisement, online applications were invited from eligible candidates in the prescribed format. A total of 15 posts of Assistant Professor (Law) were advertised, out of which, 5 posts reserved for Extremely Backward Class (EBC), 5 posts for Unreserved category, 2 posts for Scheduled Caste (SC), and 1 post each for Backward Class (BC), Economically Weaker Section (EWS), and Scheduled Caste (SC). Eligible candidates, including the writ petitioner/appellant and respondent no. 8, submitted their applications. Upon completion of the selection process, the Commission published the final select list along with the allocation of universities vide Important Notice No. 1220 dated 30.09.2022. The name of the writ petitioner/appellant appeared at serial no. 4 under the Unreserved category, and he was allotted Tilka Manjhi Bhagalpur University, Bhagalpur (T.M.B.U.), in accordance with his merit position.





(iii) The writ petitioner, being aggrieved by the action of the Commission in appointing him as Assistant Professor (Law) at Tilka Manjhi Bhagalpur University, Bhagalpur, allegedly disregarding his preference for appointment at Patna University, Patna, filed C.W.J.C. No. 17205 of 2022.

(iv) Upon notice, respondent no. 8 entered his appearance and filed a counter affidavit opposing the petitioner's claim. The State and the Commission also filed their respective counter affidavit(s), categorically asserting that the entire selection process was conducted strictly in accordance with the terms of the advertisement and the Statutes of 2020 governing the selection procedures. It was contended that there was no illegality or irregularity in the selection and appointment of the writ petitioner/appellant and/or in his allocation to Tilka Manjhi Bhagalpur University, Bhagalpur.

(v) The learned Single Judge, after considering the submissions advanced by the counsel for the respective parties and examining the relevant provisions of the advertisement as well as the Statutes of 2020, held that the respondents had acted in conformity with Clause 9 of the advertisement dated 21.09.2020, Clause 4.1 of Chapter IV, and Clause 5.5 of Chapter V of the Statutes of 2020. Accordingly, the writ petition was





dismissed. Aggrieved by the said judgment, the writ petitioner/appellant has preferred the present intra-court appeal.

4. Mr. Mrigank Mauli, learned Senior Advocate appearing on behalf of the appellant, while assailing the judgment rendered by the learned Single Judge, submitted that the appellant, an Extremely Backward Category (EBC) candidate, had applied for the post of Assistant Professor (Law) pursuant to the captioned advertisement. It is undisputed that the appellant secured Rank 4 under the Unreserved (UR) category and Rank 1 under the EBC category. Despite having indicated Patna University as his 1st preference, the appellant was allotted Tilka Manjhi Bhagalpur University under the UR category. This allotment, it is contended, was made in derogation of both his higher merit position and stated preference, particularly when two EBC category vacancies were available in Patna University. Such allocation, therefore, violates the settled doctrine of merit-cum-preference governing the process of allocation and migration. Aggrieved by this arbitrary and inequitable allotment, the appellant challenged the action of the respondent authorities. However, the learned Single Judge, it is submitted, mechanically applied Clause 9 of the advertisement along with Clauses 4.1 and 5.5 of the Statutes, 2020, without examining





whether such an interpretation results in the impermissible consequence of prejudicing higher-merit reserved category candidates. It is further contended that the action of the Commission runs contrary to the principles governing migration, as authoritatively laid down by the Constitution Bench in *Union of India v. Ramesh Ram & Ors. [(2010) 7 SCC 234]*.

5. Mr. Mauli, learned Senior Advocate, further contended that the writ court erred in treating the statutory roster provisions as overriding the constitutional doctrine of merit-cum-preference. Reliance is placed on the judgment of the Hon'ble Supreme Court in *Union of India & Anr. v. Satya Prakash & Ors. [(2006) 4 SCC 550]*, wherein it was held that even in the absence of explicit statutory provisions, the principle of migration must operate so as to enhance, and not diminish, the prospects of meritorious candidates. It is further submitted that neither the captioned advertisement nor the Statutes of 2020 provide any express mechanism governing the migration of meritorious candidates in accordance with their merit-cum-preference. In such a situation, it is argued, the binding judicial precedents governing the field must prevail and be strictly adhered to.





6. Reliance has also been placed upon the decision rendered by the Hon'ble Supreme Court in the cases of *Anurag Patel v. U.P. Public Service Commission [(2005) 9 SCC 742]*, *State of Bihar & Ors. v. M. Neethi Chandra, Etc. [(1996) 6 SCC 36]*, *Rajasthan High Court and Anr. v. Rajat Yadav and Ors. [(2025) SCC OnLine SC 2931]* and *Tripurari Sharan & Anr. v. Ranjit Kumar Yadav & Ors. [(2018), 2 SCC 656]*.

7. Referring to the afore-noted decisions, it is contended that the law is now well-settled that the principle of migration is not merely statutory but constitutional in character, being firmly rooted in Articles 14 and 16 of the Constitution of India. It is thus submitted that the migration of meritorious reserved category candidates to the general category cannot operate to their detriment, particularly by depriving them of their preferred posts or institutions, as such an outcome would be manifestly arbitrary and violative of the equality mandate.

8. Mr. Pawan Kumar, learned Advocate for the Commission, submitted that the Commission, being a recruiting agency, is duty bound by the provision of the Statute for appointment as Assistant Professor in the Universities of Bihar, 2020, as well as the stipulation laid down in the captioned advertisement. Referring to Clause 4.1 and 5.5 of the Statutes, it





is submitted that if a candidate under reserved category qualifies in the general merit list, he/she will be selected under general category and accordingly the Commission will prepare a composite merit list of the subjects on the vacancies and reservation roster. Out of this composite merit list, a University-wise panel, with due consideration of preference of Universities given by the candidates, will be prepared for onward transmission to the department of the concerned University. It is further contended that Clause 9.2 of the advertisement specifically prescribes that if a candidate of reserved category becomes eligible for merit list of unreserved category, his/her appointment will be made in the general category and such a candidate will be allotted a post against a vacancy of general category, with due consideration of his order of merit and preference of the Universities.

9. Similarly, Mr. Abhinav Srivastava, learned Senior Advocate appearing on behalf of respondent no.8, dispelling the contention of learned Senior Advocate for the appellant, has submitted that the learned Single Judge has considered the prescription of the Statutes and the terms of the advertisement and held that the petitioner was selected in the unreserved category because of his performance in selection process and





allotted Tilka Manjhi Bhagalpur University, which was the second preference of the petitioner, wherein the post of Assistant Professor was meant for the unreserved category, because the three posts advertised for Patna University were reserved for candidates of EBC and SC category. Strong reliance has been placed on the terms of the Statutes as well as the advertisement. It is vehemently contended that the name of the writ petitioner/appellant was recommended for appointment against the post of Assistant Professor (Law) in accordance with Clause 9.2 of the advertisement, which categorically prescribes that the candidate of reserved category becomes eligible for being considered in merit list of unreserved category and his appointment will be made in the general category and, as such, the petitioner was allotted a post against the vacancy of general category. Hence, the action of the Commission does not suffer from any infirmity whatsoever in the eyes of law. It is further contended that now the writ-petitioner/appellant has already submitted his joining and has been discharging his duty in TMBU, Bhagalpur, against the seat reserved for general category candidate; he is clearly estopped in law from raising any grievance.

10. Mr. Srivastava, learned Senior Advocate, further





contended that respondent no. 8 was previously working on the post of Section Officer (Legal) at Aligarh Muslim University, Aligarh. However, upon his selection and appointment pursuant to the notification dated 25.03.2023 issued by the Patna University for the post of Assistant Professor (Law), he duly tendered his resignation and thereafter joined the said post against the vacancy reserved for candidates belonging to the EBC category, for which he had applied. It is further submitted that any alteration or deviation from the posting in accordance with the preference exercised by respondent no. 8 would cause serious prejudice and would be detrimental to the legal rights accrued to him under the relevant Statutes. Moreover, the writ petitioner/appellant has at no point of time challenged the validity of the Statutes 2020, or the terms of the advertisement issued thereunder, pursuant to which he has been posted at T.M.B.U., Bhagalpur.

11. Mr. Srivastava, learned Senior Advocate, while concluding his submissions, further contended that the Constitution Bench judgment rendered in *Ramesh Ram (supra)* is distinguishable and not applicable to the facts of the present case. He submitted that the migration rule enunciated therein was premised upon a specific provision contained in Rule 16(2)





of the Civil Services Examination (CSE) Rules, which expressly permits a Meritorious Reserved Category (MRC) candidate to exercise an option between allocation under the general category and the respective reserved category. It is argued that no such provision exists in the present framework. In the instant case, the posts across different universities are identical in nature, and therefore, no prejudice would be caused to any candidate if allotment is made strictly in accordance with the merit-based roster, irrespective of the university assigned.

12. Before coming to the legality of the order/ judgment passed by the learned Single Judge, it would be apt and proper to take note of the relevant decisions placed by the learned Senior Advocate, appearing on behalf of the appellant, and its applicability in the present case.

13. Coming to the Constitution Bench decision in **Ramesh Ram** (supra), wherein a challenge was made to the constitutional validity of sub-rules (2) to (5) of Rule 16 of the Civil Services Examination (CSE) Rules for the years 2005–2007, framed by the Union Public Service Commission. A three-Judge Bench of the Hon'ble Supreme Court, by order dated 14.05.2009, referred the matter to a Constitution Bench, observing that it raised substantial questions of constitutional





importance. The principal issue for consideration was whether candidates belonging to reserved categories, who are recommended against general/unreserved vacancies on the basis of their own merit without availing any relaxation or concession are entitled to opt for a higher preference of service by being considered under the reserved category, thereby permitting migration from the general category to the reserved category at the stage of service allocation.

14. The Constitution Bench, *inter alia*, formulated the following questions for determination:

“(i) whether reserved category candidates who are selected on merit and placed in the list of general category candidates can nevertheless be treated as reserved category candidates at the stage of service allocation;

(ii) whether Rule 16(2), 16(3), 16(4), and 16(5) of the CSE Rules are inconsistent with Rule 16(1) and violative of Articles 14, 16, and 335 of the Constitution of India;

and (iii) whether the principles governing reservation in admissions to educational institutions can be applied in assessing the constitutionality of reservation policies in the context of civil services.”





15. The Constitution Bench, while answering issue (i), was pleased to hold that Meritorious Reserved Category (MRC) candidates who avail the benefit of Rule 16(2) and are ultimately adjusted against reserved category vacancies are to be counted within the reserved pool for the purpose of computing the overall reservation quota. Consequently, the vacancies vacated by such MRC candidates in the general/unreserved category are to be filled by candidates belonging to the general category. The Court thus found no legal impediment to the migration of MRC candidates from the general category to the reserved category at the stage of service allocation.

16. While addressing issue (ii), the Constitution Bench upheld the validity of the impugned provisions, observing that the incorporation of such a rule is intended to prevent arbitrariness and to safeguard the interests of meritorious candidates belonging to reserved categories. It was further held that declaring such provisions redundant or unconstitutional would defeat the very objective of the equality clause enshrined under Articles 14, 16, and 335 of the Constitution of India, inasmuch as MRC candidates though qualifying on general standards would be placed at a disadvantage. This is because candidates lower in merit within the same reserved category





could, by availing reservation benefits, secure more preferred service allocations.

17. In answering issue (iii), the Constitution Bench categorically observed that, having regard to the distinctive features of the Civil Services Examination conducted by the Union Public Service Commission, candidates belonging to reserved categories such as OBC, SC, and ST, who are selected on merit and placed in the general/unreserved list, are entitled to opt for migration to their respective reserved categories at the stage of service allocation. The Constitution Bench further distinguished the decision in *Anurag Patel* (supra) on the basis of the factual matrix involved therein, holding that the same was not applicable to the issues arising in the present case.

18. Coming to the case of *Satya Prakash* (supra), the Hon'ble Supreme Court held that no reserved category candidate recommended by the Commission without resorting to the relaxed standard opts a preference from the reserved category, in the process the choice of preference of the reserved category recommended by resorting to the relaxed standard will be pushed further down but shall be allotted to any of the remaining services/posts in which there are vacancies after allocation of all the candidates who can be allocated to a





service/post in accordance with their preference.

19. Suffice it to observe, the case of **Satya Prakash** (*supra*) was also in relation to the appointment against the vacant post of different categories under the Civil Services Examination rules conducted by the Union Public Service Commission.

20. Further, in the case of **Anurag Patel** (*supra*), the Hon'ble Supreme Court held that where a reserved category candidate secure higher general merit, the allocation must still be governed by merit-cum-preference, ensuring no prejudice to a more meritorious reserved category candidate.

21. Similarly in the case of **Rajat Yadav** (*supra*), the Hon'ble Supreme Court in para-7 of its judgment held that migration of meritorious reserved category candidates to general category candidates cannot disadvantage by depriving them of preferred post/services. If migration causes loss of preferred reserved post/service, the candidate must be allowed to claim it within the reserved quota to prevent such unfairness and to ensure that reservation functions as an instrument of inclusion rather than an instrument of disadvantage.

22. In the case of **Tripurari Sharan** (*supra*), the Hon'ble Supreme Court held that the reservation provision must





not operate to the disadvantage of the meritorious reserved category candidates.

23. Similarly in *M. Neethi Chandra (supra)*, the Hon'ble Supreme Court, in essence, held that the principle of protective discrimination cannot be applied in a manner that operates to the detriment of meritorious candidates belonging to reserved categories. The Court accordingly struck down the method of allocation whereby a meritorious reserved category candidate was denied a more advantageous post solely on account of being adjusted against the general/unreserved category.

24. Now, coming to the relevant provisions of the Statutes, 2020 and the advertisement, this Court deems it appropriate to reproduce paragraph 12 of the judgment dated 04.04.2025 passed in C.W.J.C. No. 17205 of 2022, wherein the same have been extracted for ready reference:

“12. Clause 9 of the Advertisement; Chapter-4 and Clauses 5.0 and 5.5 of Chapter-5 of the Statutes of 2020 as relied on by the contesting parties are extracted hereinbelow for ready reference:

“9. Allotment of University

9.1 The Commission will prepare a





subject wise common merit list as per vacancy and reservation roster. Out of this common merit list, university wise merit list will be drawn with due consideration of the order of preference given by the Candidates.

9.2 If a candidate of reserved category becomes eligible for the merit list of unreserved category, his appointment will be made in the general category and such a candidate will be allotted a post against a vacancy of general category, with due consideration of the order of his preference for universities.

9.3 The candidate should mark order of preference for all the related universities.

.....

Chapter-4

4.0. Reservation

4.1 The current Reservation Policy of the State Govt. as applicable on the date of advertisement will strictly be followed categorywise and subject-wise as per the roster prepared by the university administration/state govt. If a candidate under reserved category qualifies in the general merit list he/she will be selected under general category.

Chapter-5

5.0 Selection Process





5.5 The Commission will prepare a composite merit list of the subjects on the basis of vacancies and reservation roster. Out of this composite merit list a University wise panel, with due consideration of preference of universities given by the candidates, will be prepared for onward transmission to the department/university.”

25. Before advertng to the relevant prescriptions referred to hereinabove, it would be pertinent to take note of the admitted position that the appellant had applied for the post of Assistant Professor (Law) in different universities pursuant to the captioned advertisement under the EBC category, indicating his first preference as Patna University, Patna, followed by T.M.B.U., Bhagalpur and Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur. Out of three vacancies available in the subject of Law at Patna University, two vacancies were reserved for the EBC category and one for the Scheduled Caste category. Upon completion of the selection process, the appellant secured Rank 4 in the Unreserved (UR) category and Rank 1 in the EBC category. Since the appellant qualified in the general merit list, his appointment was made under the Unreserved category, and he was allotted T.M.B.U., Bhagalpur based on his merit position in the UR category.





26. In the aforesaid undisputed facts, this Court now proceeds to examine the relevant prescriptions.

27. In the opinion of this Court, after going through the above referred prescriptions of the Statues, there is no dispute that once a candidate belonging to a reserved category qualifies on the basis of merit in the unreserved category, such candidate is to be treated as a general category candidate. The Commission is required to prepare a composite merit list of the subject, taking into account the vacancies, the reservation roster, and the preferences of universities indicated by the candidates.

28. Clause 9 of the advertisement deals with the allotment of universities, and Clause 9.2 thereof clearly stipulates that a reserved category candidate who secures a position in the unreserved merit list shall be appointed against a general category vacancy. However, the said clause further mandates that due consideration must be given to the order of preference of universities indicated by such candidate.

29. Admittedly, the first preference of the appellant was Patna University under the EBC category, to which he belongs. There was no preference indicated by the appellant as a general category candidate for any university.

30. It is true that Clause 9.2 provides that once a





reserved category candidate qualifies under the unreserved category, his appointment shall be made against a general category vacancy. However, we cannot lose sight that the said prescription also categorically emphasizes that due consideration must be given to the candidate's order of preference for universities; failure to accord preference does not appear to be in tune with the prescription of Statues, 2020 and the captioned advertisement. We must keep in mind interpretation of any Statute must be in consonance with Article 14 of the Constitution and if it is found otherwise, it would be termed as 'unsustainable in law'.

31. Further, failure to accord due weightage to the preference of universities, despite the candidate having secured a higher position in merit than others who are placed below him, would certainly operate to the disadvantage of a more meritorious candidate.

32. It would be apposite to refer to the decision of the Hon'ble Supreme Court in *Ritesh R. Sah v. Dr. Y.L. Yamul [(1996) 3 SCC 253]*, wherein the Court considered the issue as to whether a candidate belonging to a reserved category, who qualifies on the basis of merit in open competition, ought to be counted against the reserved quota or treated as a candidate





under the unreserved category. The Hon'ble Court categorically held that such a candidate is required to be treated as a general category candidate. The relevant observations are reproduced hereinbelow:-

"17. ... In view of the legal position enunciated by this Court in the aforesaid cases the conclusion is irresistible that a student who is entitled to be admitted on the basis of merit though belonging to a reserved category cannot be considered to be admitted against seats reserved for reserved category. But at the same time the provisions should be so made that it will not work out to the disadvantage of such candidate and he may not be placed at a more disadvantageous position than the other less meritorious reserved category candidates. The aforesaid objective can be achieved if after finding out the candidates from amongst the reserved category who would otherwise come in the open merit list and then asking their option for admission into the different colleges which have been kept reserved for reserved category and thereafter the cases of less meritorious reserved category candidates should be considered and they be allotted seats in whichever colleges the seats should be available. In other words, while a reserved category candidate entitled to admission on the





basis of his merit will have the option of taking admission in the colleges where a specified number of seats have been kept reserved for reserved category but while computing the percentage of reservation he will be deemed to have been admitted as an open category candidate and not as a reserved category candidate."

(emphasis supplied)

33. The aforesaid principle has been reiterated and reaffirmed in a catena of decisions. Recently, the Hon'ble Supreme Court in ***Tripurari Sharan*** (*supra*) underscored that the law is well settled that reservation provisions must not operate to the disadvantage of meritorious reserved category candidates. A meritorious reserved category candidate should not be placed in a worse position than less meritorious candidates of the same category.

34. The afore-mentioned objectives can be achieved by first identifying those reserved category candidates who qualify on merit in the open category and thereafter allowing them the option of allocation based on their preferences. The less meritorious reserved category candidates may then be considered against the reserved vacancies. In other words, a reserved category candidate who is selected on merit is entitled





to be treated as a general category candidate for the purposes of selection; however, such treatment must not deprive him of the benefit of his higher merit and his indicated preferences.

35. It would be apposite to refer to the decision rendered in **Rajat Yadav** (*supra*), wherein the Hon'ble Supreme Court, while concluding the matter, deemed it appropriate to enter a caveat in paragraph 74, observing as follows:-

“74. A situation could arise, if the aforesaid principles were applied, of a reserved category candidate based on his/her performance outshining General/Open candidates and figuring in the General merit list, but finding the options to be limited. He/she may, as a consequence of being counted as a General candidate, lose out on a preferred service or a preferred post because the same is reserved for a reserved category candidate. Should such an eventuality occur, the same is bound to breed dissatisfaction, disappointment and displeasure which are not in the interests of public service. After all, fairness matters even in public employment. Where adjustment against the unreserved category would result in a more meritorious reserved category candidate being displaced in favour of a less meritorious candidate within the same category for a preferred service or a preferred post within the





reserved quota, the former must be permitted to be considered against the service/post in the reserved quota. This would ensure merit being preserved both across categories and within them, and that reservation functions as a means of inclusion rather than an instrument of disadvantage.”

36. After meticulously considering the rulings of the Hon'ble Supreme Court, this Court is of the considered opinion that under no circumstances can the merit of a candidate be rendered a disadvantage to his position by denying him the benefit of his preferred admission or posting. Such denial would be wholly impermissible, particularly when less meritorious candidates belonging to the reserved category have been extended such benefits. A candidate who, on account of his higher merit, is placed in the unreserved category cannot be treated in a manner that places him at a disadvantage *vis-à-vis* candidates with lower merit who continue to avail benefits under the reserved category. Merit cannot operate as a penal factor. Even in a situation where the posts across different universities are identical, the preference indicated by a candidate and his merit ranking, cannot be disregarded by treating the merit of a person to its disadvantage.

37. This Court does not find any embargo, either





under the Statutes or the advertisement, in extending due consideration to the order of preference indicated by a candidate. In the considered opinion of this Court, even if a candidate belonging to a reserved category qualifies in the merit list of the unreserved category, his appointment shall undoubtedly be made against a general category vacancy; however, his preference, as indicated at the time of application, must be duly considered. Such an interpretation alone would subserve the constitutional mandate enshrined under Articles 14 and 16 of the Constitution of India. Any deviation from the aforesaid principles would amount to an infraction of the settled propositions of law as noted hereinabove.

38. In view of the aforesaid discussion(s), this Court finds merit in the present Letters Patent Appeal. Accordingly, the same stands allowed.

39. The judgment/order dated 04.04.2025 passed in C.W.J.C. No. 17205 of 2022 by the learned Single Judge is hereby set aside. Consequently, C.W.J.C. No. 17205 of 2025 also stands allowed.

40. The Bihar State University Service Commission is directed, in compliance with the present order, to issue a fresh order of posting in favour of the writ petitioner/appellant strictly





in accordance with his indicated preference.

41. There shall be no order as to cost(s).

(Harish Kumar, J)

(Sangam Kumar Sahoo, CJ): I agree.

(Sangam Kumar Sahoo, CJ)

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AFR/NAFR	AFR
CAV DATE	17.03.2026
Uploading Date	25-03-2026
Transmission Date	

