

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1727 of 2014
In
Civil Writ Jurisdiction Case No. 19620 of 2014
With
Interlocutory Application No.9745 of 2014
In
Letters Patent Appeal No.1727 of 2014

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Pravin Kumar, aged about 54 years, son of Late L.N. Karan, Resident of Mohalla- Flat No. C/2, Onkar Apartment, Sheikhpura Bagicha, P.S.- Shastri Nagar, District- Patna

.... Respondent-Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Educational Department, Govt. of Bihar, New Secretariat, Patna.
2. The Chancellor, Universities of Bihar, Raj Bhawan, Patna.
3. The Director, Higher Education, Education Deptt., Govt. of Bihar, New Secretariat, Patna.
4. The Magadh University through the Registrar, Magadh University, Bodh Gaya.
5. The Vice-chancellor-cum-Chairman of Selection Committee, Magadh University, Bodhgaya.
6. The Registrar, Magadh University, Bodhgaya.
7. Dr. Sudhir Kumar Mishra, Son of not known, P.G. Deptt. of Chemistry, J.P. University, Chapra.
8. Dr. (Smt.) Sheela Singh, W/o Not known, Deptt. of Zoology, Kishori Sinha Mahila College, Aurangabad.
9. Dr. Ved Prakash Chaturvedi, son of not known, Deptt. of English, College of Commerce, Patna.
10. Dr. Shashi Pratap Singh, son of not known, Deptt. of Political Science, A.N. College, Patna.
11. Dr. Indrajit Prasad Roy, Son of not known, Deptt. of Commerce,, Rajendra College, Chapra.
12. Dr. (Smt.) Rekha Kumari, W/o not known, Kishor Sinha Mahila College, Aurangabad.
13. Dr. Upendra Prasad Singh, son of not known, Deptt. of English, H.D. Jam College, Ara.
14. Dr. Dinesh Prasad Sinha, son of not known, Deptt. of Political Science, Magadh University, Bodh Gaya.
15. Dr. Arun Kumar Rajak, son of not known, Deptt. of Botany, Gaya College, Gaya.
16. Dr. Smt. Poonam, W/o not known, Deptt. of Economics, College of Commerce, Patna
17. Dr. Dalbir Singh, son of not known, Prof. in Charge, S.G.G.S. College, Patna City, Patna.
18. Dr. Usha Sinha, W/o Not known, Prof. in Charge, Ganga Devi College, Kankarbagh, Patna.
19. Dr. Krishna Nandan Prasad Singh, through the Registrar, Magadh University, Bodh Gaya.

20. Dr. Brajesh Rai, Deptt. of Hindi, A.M. College, Gaya.

21. Dr. (Prof.), Arun Kumar, Ex. Vice-Chancellor, Magadh University, resident of House No. 405, Road No. 1, Nehru Nagar, Near H.P. Gas Godown, West Boring Canal Road, P.S.- Nehru Nagar, Patna, Distt.- Patna.

22. Dr. D.K. Yadav, S/o not known, Registrar, Magadh University, Bodhgaya.

..... Respondents/Respondents 1st Set.

23. Dr. Bimal Prasad Singh, S/o Late Rajendra Prasad Singh, resident of Mohalla- Mritunjay Chatterjee Lane, Road No. 6D, P.S. Gardanibagh, District- Patna at present working as Professor & Head, PG Department of Political Science, A.N. College, Patna.

24. Dr. Arjun Sharma, S/o Late Basudeo Sharma, resident of 10, West Anandpuri, Boring Road, P.S. S.K.Puri, Patna at present working as Assistant Professor and Head, Deptt. of Political Science, S.M.D. College, Punpun, Distt. Patna.

25. Dr. Shyamal Kishor, S/o Dr. Sheo Kumar Sharnia, resident of Saketpuri, Bazar Samiti, Rajendra Nagar, Patna, at present working as Assoc. J. Professor & Head, Deptt. of Philosophy, T.P.S. College, Patna.

26. Dr. Deepak Kumar, S/o Late Kedarnath Brahmachari, resident of 204, Shiv Apartment, Opposite Gayatri Mandir, Lohia Nagar, Kankarbagh, P.S. Kankarbagh, Patna at present working as Associate Professor & Head, Deptt. of Sanskrit, Maharaja College, Ara.

27. Dr. Ghanshyam, S/o Sri Basishtha Narayan Rai, resident of 303, Parsoni Apartment, Ashiana Nagar Road, P.S.- Rajeev Nagar, Distt.- Patna, at present working as Associate Professor, B.I.T. Sindri.

28. Dr. Achyuta Nanda Singh, son of Sri Jai Krishna Pd. Singh, resident of 103, Pratima Mansion, Behind Mamta Apartment, Shivpuri, P.S.- Shastri Nagar, Distt.- Patna at present working as Professor, Deptt. of Physics, J.P. University, Chapra.

.... Petitioners- Respondents 2nd Set.

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Appearance :

For the Appellant/s : Mr. Yugal Kishore, Senior Advocate
Mr. Virendra Prasad, Advocate
Mrs. Nutan Sahay, Advocate
Mr. Khurshid Alam, Advocate

For the Respondent-State: Mr. Sanjay Mandal, A.C. to S.C.-6

For the Respondent No.2 : Mr. Rajendra Kumar Giri, Advocate

For the Respondent nos.23 to 28 : Dr. K. N. Singh, Advocate

Mr. Navin Prasad Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 09-01-2015

This Letters Patent Appeal is directed against the interim order dated 26.11.2014 passed by the learned Single Judge in CWJC No.19620 of 2014. The appellant is respondent no.8 in the writ petition.

The respondent nos.23 to 28 herein filed the writ petition challenging the order dated 16.01.2013 through which the appellant and respondent nos.7 to 22 herein were appointed as Principals in various institutions of Magadh University. They have also filed an application for suspension of the order of appointment. It was pleaded that the order of appointment is vitiated on several grounds, such as that the Selection Committee was not constituted in accordance with law. Reference was also made to certain orders passed by the Chancellor at different points of time.

The learned Single Judge has directed to maintain status quo till the matter is taken up for hearing.

Heard Sri Yugal Kishore, learned counsel for the appellant and Dr. K. N. Singh, learned counsel for the respondent nos. 23 to 28.

It is no doubt true that the respondent nos. 23 to 28 have raised several contentions in challenge to the order of appointment of the appellant and certain others as Principals.



The fact, however, remains that the order of the appointment has to be treated as valid till it is set aside, in accordance with law. Further, there would have been some scope for directing status quo in case the writ petitioners, i.e. respondents 23 to 28 were holding the post of Principals. They pleaded that though they were contenders for the post of Principals, but were not selected. The order of status quo is not going to benefit the writ petitioners in any way. As of now, the various institutions are being handled by Incharge Principals. To the extent possible, it is better that the institutions are headed by the regular Principals.

We, therefore, allow this Letters Patent Appeal and set aside the order of the learned Single Judge insofar as it has been directed to maintain status quo.

It is brought to our notice that the pleadings are complete. The Registry shall ensure that all the contesting respondents in the writ petition are served with notices and the matter is kept ready for hearing.

We direct that the writ petition be listed for hearing on 10th of March, 2015. If the appellant herein takes any step to delay the hearing of the writ petition, it shall be open to the writ petitioners, i.e. respondent nos.23 to 28 to move this Court for modification of the order.

Interlocutory application, if any, shall stand disposed
of. There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(I. A. Ansari, J)

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