

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1380 of 2014

IN

Civil Writ Jurisdiction Case No. 4275 of 2011

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Dr. Sangeeta Kumari, wife of Sri Hemant Kumar, resident of village Bhelu Chak,
P.O. Kabirchak, Police Station – Sadar (Darbhanga), District- Darbhanga.

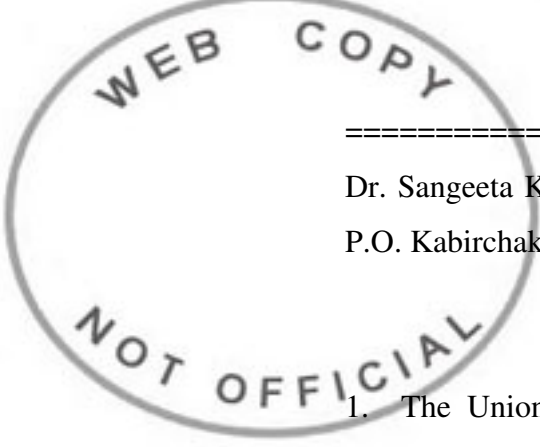
.... Respondent/Appellant.

Versus

1. The Union of India through the Secretary, Department of High Education (Government of India), New Delhi.
2. The Rashtriya Sanskrit Sansthan through the Vice Chancellor, 56-57, Institutional Area, Janakpuri, New Delhi-110058.
3. The Deputy Registrar (Finance), Rashtriya Sanskrit Sansthan, 56-57, Institutional Area, Janakpuri, New Delhi-110058.
4. The Secretary, Department of High Education (Ministry of Human Resource Development), Government of India, New Delhi.
5. The Under Secretary, Department of High Education (Ministry of Human Resource Development), Government of India, New Delhi.
6. The Chairman Managing Committee, Sri Ram Sunder Sanskrit Vishwa Vidya Pratisthan, recognized as Adarsh Sanskrit Mahavidyalaya, Laxminth Nagar, Ramauli Belon, District-Darbhanga.
7. The Principal-cum-Secretary, Adarsh Sanskrit Mahavidyalaya (Sri Ram Sunder Sanskrit Vishwa Vidya Pratisthan), Laxminth Nagar, Ramauli Belon, District-Darbhanga.
8. The Managing Committee, Sri Ram Sunder Sanskrit Vishwa Vidya Pratisthan, through its Secretary, Laxminth Nagar, Ramauli Belon, District-Darbhanga.
9. The Managing Committee of Adarsh Sanskrit Mahavidyalaya (Sri Ram Sunder Sanskrit Vishwa Vidya Pratisthan) through its Secretary, Laxminth Nagar, Ramauli Belon, District-Darbhanga.

.... Respondents/Respondents.

10. Dr. Gauri Shankar Chaudhary, son of Late Tej Narayan Chaudhary, resident of village-Bikupatti, P.O.-Sajhuar, Police Station Bahera, District-Darbhanga.
11. Dr. Navkrishan Mishra, son of Sri Mukund Mishra, resident of village-Kishoripur (Sajhuar), P.O.-Baigani, Police Station Bahera, District-Darbhanga.



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12. Dr. Raman Kumar, son of Sri Krishna Nand Jha, resident of village + P.O.-
Baigani, Police Station-Bahera, District-Darbhanga.

13. Dr. Govind Nath Chaudhary, son of Late Kari Chaudhary, resident of village +
P.O.- Sahasram, Police Station- Biraul, District-Darbhanga.

.... Petitioners/ Respondents.

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Appearance :

For the Appellant

: M/s Abhay Singh, Sr. Adv., Sandip Singh
and Shekhar Harshvardhan, Advocates.

For the Respondent Nos.1, 4 & 5 : Mr. Abhay Shankar Jha, C.G.C.

For the Respondent Nos.2,3,6,7 & 9: Mr. Arun Kumar Arun, Adv.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 03-11-2015

Heard Mr. Abhay Singh, learned senior counsel for
the appellant, learned counsel for respondent nos.1,4 & 5 and
learned counsel for respondent nos.2,3,6,7 & 9 and with their
consent, this appeal is being heard for final disposal at this stage
itself.

The four writ petitioners, who are respondents herein,
had moved this Court challenging the advertisement issued by Sri
Ram Sundar Sanskrit Vishwa Vidya Pratisthan for filling up posts
of Lecturers in different subjects. Though in the writ petition they
had claimed that they were working on those posts as such there



ought not to be any advertisement. Their plea was negatived. One of the challenge then was that there had been an advertisement for one post of Lecturer in Hindi which was shown to be reserved on which writ petitioner no.3 was occupying. Pursuant to advertisement, respondent no.10, who is appellant before us, on the strength of reservation, had been selected. Here, the writ petitioners succeeded. The learned Single Judge held that as the posts of Lecturers were singular in nature i.e. either it was Lecturer in English, Lecturer in another branch of Sanskrit or Lecturer in Hindi, they were on each singular post and that being the matter, in view of settled judgment of Apex Court, there could be no reservation in respect of singular post. Thus, the advertisement and the recruitment of respondent no.10/appellant, on the basis of reservation to the singular post of Lecturer in Hindi, was set aside. This is what has brought the respondent no.10/appellant before this Court.

Having heard the parties, we are of the view that the learned Single Judge did not commit any mistake in the manner in which the case was decided or the decision itself. It is now settled beyond dispute that there cannot be a 100% reservation, which is in effect, the case when reservation is made in respect of a singular post. There being only one post of Lecturer in Hindi, it was a

singular post and having been advertised, it could not be advertised as a reserved post. Thus, the selection of the appellant, on the basis of reservation in respect of this singular post, cannot be sustained. Thus, we find no merit in this appeal. It is, accordingly, dismissed.

However, we may note that fresh advertisement having been issued, the writ petitioner no.3/respondent and the appellant have both applied, the institution would come to its own finding about their relative merit for the purposes of selection and would not be prejudiced by anything said in this judgment or by the learned Single Judge in the matter of selection.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Trivedi/NAFR

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