

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19174 of 2014

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Zubair, Shadab Khan son of Mohammad Shakir Khan, resident of 151, Ground Floor, Jayalaxmipuram, Myasore- 570012 (Karnataka)

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Human Resources Department, Govt. of India, New Delhi
2. The Vice Chancellor, Central University of Bihar, B.I.T. Campus, Post Office- B.V. College, Patna
3. The Central University of Bihar through its Registrar
4. The Registrar, Central University of Bihar, B.I.T. Campus, Post Office- B.V. College, Patna
5. The Deputy Registrar, Central University of Bihar, B.I.T. Campus, Post Office- B.V. College, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s :	Mr. S. M. Ashraj
	Mr. Zeyaul Hoda
For the Respondent-1 :	Mr. Sujeet Kumar Sinha, CGC
For the Respondents :	Mr. Awadh Bihari Ojha, Sr. Advocate
	Mr. Bharat Bhushan, Advocate
	Mr. Nitesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 03-12-2015

03.12.2015

Petitioner applied against the Advertisement

Notice No. 19 of 2013, issued by the Central university for the post of Assistant Professor in Urdu. The advertisement indicated two vacancies or anticipated vacancies for Urdu. Petitioner, along with two other persons, was short-listed. Candidate, who was placed at Serial No. 1, has been appointed, but nothing has been informed to the petitioner with regard to his status after his short-listing / selection. Prayer of the petitioner is for a direction upon the respondents to publish his result as

well as to appoint him on the vacant post of Assistant Professor of Urdu in the Central University of Bihar.

The basic facts are not a matter of dispute that an advertisement was issued showing vacancies under Urdu for two teachers. Petitioner was called for the interview and short-listed but only one appointment was made and petitioner has been left out.

So far as the prayer for publication of result is concerned, if the petitioner is interested in obtaining finer details about his performance, he can surely obtain the same under Right to Information Act by spending only Rs. 10 /- as a postal order. It does not require filing of writ application.

The reason for non-appointment of the petitioner has been given by the respondent-University in paragraph Nos. 11 to 13 of the counter affidavit, which is reproduced hereinbelow:-

“11. That as per the recommendation of the selection committee the case for the appointment of Assistant Professor of Urdu forwarded to the competent authority which in its term consider the matter relating to appointment in different subject keeping in mind the student teacher ratio and in Urdu department said decision was justified for only one post and accordingly the first nominee of the merit list was appointed.

12. That irrespective of the panel prepared by the

Selection Committee the Executive Council, which is the highest body of the University, decided to appoint the first nominee of the merit list.

13. That it may be stated that there was no application of any student for enrolment in the Urdu Subject. However there was two students enrolled in the faculty of B.A., B.Ed. whose preference was Urdu.”

If there are only two students in the classroom, obviously, you do not need two teachers. There is not enough work even for one teacher. Therefore, the reason for non-appointment of the petitioner is not for any other extraneous reasons, but shortfall in the anticipated admissions, which have not been taken by students in the subject, for which the petitioner was required to be appointed.

In view of the above, there may not be an occasion for appointment of the petitioner to take care of his status of unemployment. The object for such recruitment cannot be achieved with two students, having enrolled in the University in the said subject.

In view of the aforesaid facts and circumstances, writ is dismissed.

(Ajay Kumar Tripathi, J.)

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