

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11311 of 2014

Dr. Padmasha Jha, W/o Dr. T.B.B. Singh, Resident of C/1, 1st Floor, Jay Residency, Kavi Raman POath, Nageshwar Colony, Patna, District + Town – Patna – 800 001.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Department, Government of Bihar, Patna
3. The Hon'ble Chancellor, B. N. Mandal University, Raj Bhawan Patna – 800022
4. Dr. Binod Kumar, S/o Not Known, Vice-Chancellor, B. N. Mandal University, Madhepura
5. Nodal Officer, B. N. Mandal University, Madhepura, C/o Principal Secretary to Governor, Bihar Raj Bhawan Patna – 800022
6. Prof. Sudhir Kr. Sorpy, Chairman, Search Committee, B. N. Mandal University, Laloo Nagar, Madhepura, C/o Principal Secretary, to Governor, Bihar, Raj Bhawan, Patna – 800022; Vice-Chancellor, Jawaharlal University, New Delhi
7. Prof. N. S. Gajbhiya, Member, Search Committee, B. N. Mandal University, Laloo Nagar, Madhepura, C/o Principal Secretary to Governor, Bihar, Raj Bhawan, Patna – 800022, Vice-Chancellor Dr. Hari Singh Gour, Central University, Sagar, Madhya Pradesh
8. Prof. N. R. Madhav, Member, Search Committee, B. N. Mandal University, Laloo Nagar, Madhepura, C/o Principal Secretary to Governor, Bihar, Raj Bhawan, Patna – 800022, Ex Vice-Chancellor, National School of India University, Bangalore, Karnataka
9. B. N. Mandal University, Laloo Nagar, Madhepura through its Registrar

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha
For the State: Mr. Prashant Pratap, GP-6
For the Chancellor: Mr. R. K. Giri
For the university: Mr. A. B. Sinha

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 27-02-2015

27.02.2015

Petitioner wants quashing of the appointment of one Dr. Binod Kumar, Department of Statistics, Patna university, who has been appointed as Vice-Chancellor of B. N. Mandal University, Laloo Nagar, Madhepura, as also for a direction to appoint the petitioner on the post of Vice-Chancellor, B. N. Mandal University, Laloo

Nagar, Madhepura on many a grounds, which have been urged in the writ application.

This Court is not required to go into the history of the selection so made as well as the background under which the new round of selection came to be made on the recommendation of the Search Committee. After a long drawn legal battle fought right from the High Court till the Apex Court, on a previous round of appointments made by the then Chancellor of the Universities of Bihar and which became controversial, it was on the direction of the Hon'ble Supreme Court passed in the case of ***Ram Tawakya Singh Versus State of Bihar and others, reported in (2013)16SCC206*** that these appointments came to be made.

Suffice it to say that even though the petitioner became an applicant for the post of the Vice-Chancellor, the Search Committee did not recommend her case for consideration under the controversial circumstances, under which she was previously appointed as Pro Vice-Chancellor of one of the universities. The Hon'ble Supreme Court has taken note of the filing of a police case and charge-sheeting of the petitioner in its decision rendered in Ram Tawakya Singh (supra). Since the committee seems to have taken a conscious decision



that all such persons, who did not have a clean image or were charge-sheeted or were under certain controversies, were required to be kept out of consideration. This was done so that the selected candidates, who would man the responsible position of Vice-Chancellors under the State of Bihar were free of any taint or controversies.

This Court in the above-stated circumstance and taking note of the decision of the Hon'ble Apex Court rendered in Ram Tawakya Singh (supra) as well as the stand of the respondents in the counter affidavit is not required to get into the merits of the claim of the petitioner. Suffice it to say that since the petitioner can not shake off her past and the controversies, surrounding her, which led to her removal from the post of Pro Vice-Chancellor and affirmed even by the Hon'ble Apex Court and a very detailed kind of guidelines was issued in the manner in which a fresh round of selection were required to be made through a Search Committee, the non-selection of the petitioner on the post of Vice-Chancellor for B. N. Mandal University, Laloo Nagar, Madhepura seems to be based on valid judicial grounds and reasons.

In view of the above, the writ application is

required to be dismissed. No relief in favour of the petitioner can be granted with regard to the selections already made in furtherance to the direction of the Hon'ble Supreme Court.

Writ application is dismissed.

(Ajay Kumar Tripathi, J.)

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