

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5738 of 2001

- =====
1. Miss Parmita Shekhar, daughter of Chandra Shekhar Prasad, Resident of D-136, P.C. Colony, P.S. Kankarbag, Dist. Patna.
 2. Dhirendra Kumar, son of late Ragho Sharan Prasad, resident of Village Kapatia, P.S. Nalanda, Dist. Nalanda.

.... Petitioner/s

Versus

1. Union of India through the Secretary, Ministry of Culture, Human Resources Department, New Delhi.
2. Deputy Secretary, Department of Culture, Human Resource Department, New Delhi.
3. State of Bihar through the Director, Higher Education, New Secretariat, Patna.
4. Board of Management, Nava Nalanda Mahavihara through its Director cum Member Secondary, Nar Nalanda Mahavihara, Nalanda.
5. Ravindra Panth, Director, Nava Nalanda Mahavihar, Nalanda.
6. Vishwajeet Kumar, Assistant Professor of Pali, Nava Nalanda Mahavihara, Nalanda.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar Sinha, Adv.
Mr. Mukesh Kumar Sinha, Adv.

For the Respondent/s : Mr. J.P.Karn (SCGSC)
Mr. Rajeev Kumar Singh
Mr. Niranjana Kumar
Mr. Anjani Kr.Sharan (ACGSC)
Mr. S.N.Pathak (SCCG)
Mr. Alok Kumar Rahi

For the Resp. No.6 : Mr. Rajeev Kumar Singh, Adv.
Mr. Manoj Kumar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

15 09-09-2015

Heard learned counsel for the parties.

Having regard to the fact that the prayer of the petitioner in this writ application for quashing of proceeding of the Board of Management of Nava Nalanda Mahavihara dated 30.3.2000 as also to quash the appointment of the respondent no.6 has become academic, if not infructuous, on account of the

subsequent events taking place particularly those mentioned in paragraph no.7 to 19 of the counter affidavit reading as follows:-

- “7. That in the year 1997 the Post of Assistant Professor in Nava Nalanda Mahavihara was advertised in the Department of Pali, Philosophy, English, Hindi, Sanskrit, Tibetan, Chinese & Japanese and Ancient Indian and Asian Studies.
8. That the answering respondent most respectfully submits that the Nava Nalanda Mahavihara is an autonomous institute, under the Ministry of Culture, Govt. of India. It is governed by the Board of Management in which HE the Governor of Bihar is the Chairman.
9. That the answering respondent most respectfully further submits that as per the Recruitment Rule of the Mahavihara a duly constituted Selection Committee approved by the Board of Management was framed and the Selection Committee selected the following candidates against the sanctioned posts. They were joined in the respective Department in the year 2000.
 1. Pali - Dr. Vishwajeet Kumar
 2. Philosophy - Dr. Binod Kumar Choudhary
 3. English - Dr. Shrikant Singh
 4. Hindi - Dr. Hare Krishna Tiwari
 5. Sanskrit - Dr. Ruby Kumari
 6. Tibetan - Dr. Dipankar Lama
 7. Ancient Indian & Asian Studies - Dr. Chandra Bhushan Mishra
10. That the answering respondent respectfully submits that so far as the Post of Assistant Professor in the Department of Chinese and Japanese was concern, no person was found suitable by the Selection

Committee.

11. *That after successfully competition of probation period all the Assistant Professors were confirmed by the Board of Management in April 2001 and as far as the Merit of Respondent No.6 Dr. Vishwajeet Kumar is concern, he stands on the better footing and no comparison between Petitioner and Respondent No.6 and it is relevant to say that respondent no.6, received the Prestigious Award i.e. MaharashiVadrayan Vyas Samman” be HE Dr. A.P.J. Abdul Kalam in the year 2004.*
12. *That the answering respondent respectfully submits that in the year 2010 vide advertisement No. 02/2010, 4 posts of Assistant Professor in the Department of Pali was advertised at Nava Nalanda Mahavihara.*
13. *That the answering respondent crave the indulgence of the Hon’ble court inter alia that the petitioner Dr. Pramita Shekar D/o Shri Chandra Shekar Prasads become the applicant for the said post and she had gone in far the 2nd selection process in terms of new advertisement which is obvious from her application in made.*
14. *That the answering respondent respectfully further submits that the interview was taken place on 20th July 2010 in National Archives of India Building, Ministry of Culture, Janpath, New Delhi and the interview letter No. NNM/Interview/03-10 dated 23rd June 2010 was issued by the Nava Nalanda Mahavihara through Registered Post.*
15. *That the answering respondent respectfully further submits to give assistance to the Hon’ble Court that the petitioner 2nd time as per the Interview letter she participated in it, as a candidate in the*

Department of Pali on the post of Assistant Professor which is obvious from the Attendance Sheet.

16. *That the answering respondent crave the indulgence of the Hon'ble Court inter alia that the Petitioner who had gone in for the 2nd New selection keeping in view of the new advertisement the petitioner was not selected against four (4) posts of Assistant Professor in the Department of Pali And the following candidate were selected against 4 Posts of Assistant Professor in the Department of Pali-*

1. *Dr. Arun Kumar Yadav*
2. *Dr. Lalan Kumar Jha*
3. *Dr. RanaPurushottam Kumar Singh*
4. *Ven. Dr. DhammaJyoti*

17. *That the answering respondent respectfully further submits to give assistance to the Hon'ble Court that in the same advertisement vide no. 2/2010, One post of Assistant Professor of Chinese and Japanese was also advertised. As per the aforementioned paragraph and the Petitioner again become the candidate for the post of Assistant Professor in the Department of Chinese and Japanese at Nava Nalanda Mahavihara. Which is obvious from the 2nd last application of the petitioner along with attendance chart.*

18. *That the interview of Assistant Professor in the Department of Chinese and Japanese was held on 22nd July 2010 at National Archives of India Building, Ministry of Culture, New Delhi and she had given her participation and after adopting the due process of selection she was again finally not selected in the Dept. of Chinese and Japanese at*

Nava Nalanda Mahavihara and Dr. U. Kundala was selected for the said post.

19. *That the answering respondent respectfully further submits that the petitioner had come before the Hon'ble Court in the year 2001 challenging the first process of selection where the petitioner was not selected then 2nd new advertisement has come and she again given her full participation and finally after adopting the due process of law and adopting the terms enshrined in the new second advertisement she again she again not coming off and finally not selected."*

and the fact that the petitioner was given liberty to controvert these statements in the order dated 23.7.2014 but no reply has been filed by the petitioner even after expiry of a period of one year, this Court will have no difficulty in holding that this writ application now can no longer survive either for quashing the selection proceedings for the post of Lecturer in Pali or the consequential appointment of the respondent no.6. The petitioner, in fact, having participated in the selection process undertaken in the year 2010 and also being declared unsuccessful will also be bound by the principle of estoppel in questioning the earlier appointment.

That being so, this application now has to be dismissed.

It is ordered accordingly.

(Mihir Kumar Jha, J)

Rishi/-

U			
---	--	--	--