

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2784 of 2015

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1. Dr. Devendra Kumar, Son of Late Bikarama Ditya Singh, Resident of 201, Prince Residency, Vevekanand Park, Patliputra Colony, Police Station - Patliputra, District - Patna.
 2. Dr. Sudhir Das, Son of Late Jago Das, Resident of Village + Post Office - Kulhria, Police Station - Parabatta, District - Khagaria.
 3. Dr. Jitendra Prasad, Son of Late Kameshwar Ram, C/o Sri Rajendra Prasad, Resident of Village + Post Office - Pawa, Police Station - Pawapuri, District - Nalanda.
 4. Dr. Sidh Nath Singh, Son of Sri Ram Talika Singh, Resident of Village + Post Office - Mujrarh, Police Station - Nokha, District - Rohtas (Sasaram).
 5. Dr. Anupma Kumari, Wife of Sri Sunil Kumar Singh, Resident of Mohalla - Veersshivajee Path North S.K. Puri, Police Station - Srikrishnapuri, District - Patna.

.... Petitioners

Versus

1. Rajendra Agricultural University, Bihar Pusa, Samastipur, through its Registrar having Office at Pusa, Samastipur, Police Station - Pusa, District - Samastipur.
2. The Board of Management, Rajendra Agricultural University, Bihar, Pusa, Samastipur, through its Secretary-cum-Registrar having Office at Pusa, Samastipur, Police Station - Pusa, District - Samastipur.
3. The Vice - Chancellor, Rajendra Agricultural University, Pusa Samastipur.
4. The Officer in charge, Recruitment, Rajendra Agricultural University, Bihar, Pusa, Samastipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Gajanan Arun, Advocate
Mr. Shashi Bhushan Kumar Manglam, Advocate
For the Respondent/s : Mr. Arvind Ujjwal, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT

Date: 10-03-2015

Heard learned counsel for the parties.

The five petitioners wanted direction upon the respondent University to fill up the post of Programme Co-coordinators of Krishi Vigyan Kendra for which Advertisement No. 03 of 2012 was issued. The process of selection was completed.

Recommendations were made, but appointment is not coming through.

These facts are not in dispute, therefore, a direction was issued upon the respondent University to file a counter affidavit as to why they are contemplating issuing a fresh advertisement and not act upon the recommendation of the Selection Committee in terms of the previous advertisement.

In the counter affidavit filed on behalf of the University primarily two reasons have been indicated. One is that while the process of selection was going on, the Indian Council of Agricultural Research has brought about certain changes with regard to requirement in terms of experience for the post in question. These changes have come about in the year 2013. Some of the members of the Board of Management raised an objection on this count. The other reason is that an objection was raised with regard to participation of one Dr. M.P. Pandey relating to certain controversy surrounding him on the post he had held in the State of Jharkhand. Certain members of the Board of Management therefore, had serious reservation on him being allowed to participate in the selection processes.

Both the grounds seems to be misplaced. Once an advertisement has been issued laying down the eligibility and criteria for selection that eligibility and criteria cannot be altered till the

process of selection is completed. The law is well settled in this regard and the Court does not have to cite precedents to buttress the legal position.

The University, therefore, is under obligation to act upon the recommendation and any changes with regard to qualification or eligibility will have prospective effect and will apply to future recruitments or engagements. It cannot be applied to the case of present petitioners.

The second objection raised by certain members of the Board of Management is also misplaced because participation of Mr. Pandey was not in the capacity as a Vice Chancellor as has been stated by the University themselves in their counter affidavit. He is an expert in his field, therefore, his services was taken by the University as a member for selection. If no disqualification has been incurred by Mr. Pandey then his participation cannot be said to be bad.

The Court, therefore, comes to the opinion that the reason offered by the University for not acting on the recommendation of the Selection Committee and the objections of some of the members of the Board of Management are beyond the ambit of law, therefore, the writ is allowed. A direction is issued upon the Vice Chancellor of the University that he will complete the process of appointment on the basis of the Selection Committee's

recommendation within a time frame preferably within a period of eight weeks from the date of communication/production of a copy of this order.

(Ajay Kumar Tripathi, J.)

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