

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16936 of 2013

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1. Dr. Braj Bihari Pandey Son Of Late Ram Subhag Pandey C/O Suresh Chandra Jha, Resident Of Road No. 3/B R.M.S. Colony, East Ashok Nagar, Kankarbagh, Post Office- Kankarbagh, Police Station- Kankarbagh, District- Patna

2. Dr. Md. Qunber Ali Khan Son Of Late Md. Aktar Ali Khan Resident Of 301, Grand Apartment, New Patliputra Colony, Patna

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Principal Secretary, Education Department, (Higher Education), Government Of Bihar, New Secretariat, Vikash Bhavan, Patna

2. The Principal Secretary, Education Department (Higher Education), Government Of Bihar, Patna

3. The Joint Secretary, Education Department, Government Of Bihar, Patna

4. The Director, Education Department, (Higher Education), Government Of Bihar, Patna

5. The Magadh University, Through Its Registrar, Bodh Gaya, District- Gaya

6. The Vice-Chancellor, Magadh University, Bodh Gaya, District- Gaya

7. The Registrar, Magadh University, Bodh Gaya, District- Gaya

8. The Finance Officer, Magadh University, Bodh Gaya, District Gaya

9. The Governing Body, Through Its Secretary, Oriental College, Patna City, Police Station- Khajekalan, District- Patna

10. The Secretary, Oriental College, Patna City, District- Patna

11. The Principal Oriental College, Patna City, Police Station- Khajekalan, District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Prasad

For the Respondent/s : Mr. P.N. Sahi

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

09. 09.01.2015

Neither the governing body nor the university
can precipitate the matter and preempt the State
Government by first taking a decision and putting it in the

domain of the State authorities and then create pressure upon them by filing a writ application to take a decision.

This kind of game has been practiced long enough and this Court is not willing to encourage such conduct and behaviour either of the governing body or of the university authority.

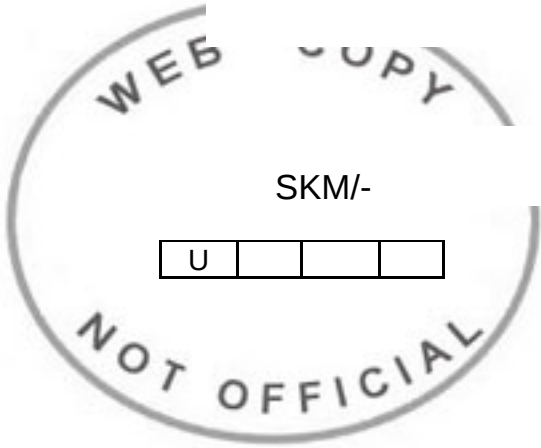
However, if there are vacancies available and the governing body feels that there is requirement of additional hands in the subject matters, which are matter of dispute in the present writ application, they can surely prevail upon the university and the university will make a recommendation for first sanctioning these posts and then make appointments against the sanctioned posts.

If such a recommendation is made by the university, the Principal Secretary, Department of Higher Education, Government of Bihar, Patna will examine the said recommendation within the parameters of the law, which includes section 35 of the University Act, the so called sanctioned strength / staffing pattern already available etc. and decide the status within a period of three months of receipt of such a recommendation from the university.

The Court has intentionally not gone into the dispute, lest it create any kind of prejudice on either side.



Writ application stands disposed off with
observation / direction as above.



(Ajay Kumar Tripathi, J.)