

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1461 of 2014
IN
Civil Writ Jurisdiction Case No. 9167 of 2012**

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1. Dr. Jitendra Rajak S/o Shri Gulab Chandra Prasad Resident of Village Rajeshwar Vihar, Phase II Post Office Kurthaul, Police Station Parsa Bazar, District Patna, Bihar, Pin 804453, Presently posted as Principal, Principal, S.M.D. College, Sripalpur, Punpun, District Patna.
 2. Dr. (Mrs.) Meera Kumar C/o Mr. Dilip Kumar Resident of Mohalla MIG-313, Near Shivaji Park, Police Station Kankarbagh, District Patna Bihar, Pin 800020, presently posted as Principal Mahila College, Khagaul, Patna, Bihar.
 3. Dr. Vijay Rajak S/o Late Hari Rajak Resident of Village and Post Office Peshaur, Police Station Rahue, District Nalanda, Bihar, Presently posted as Principal, S.D. College, Kaler, District Arwal, Bihar.
 4. Dr. Dilip Kumar S/o Late Jethu Roy Resident of Mohalla North East Rahsa, Police Station Bhagwanpur, District Vaishali, Bihar, Presently posted as Principal M.D. College, Naubatpur, Patna (Bihar).
 5. Dr. Satyendra Prajapati S/o Late Ram Kunwar Prajapati Resident of Mahalla Aroua, Post Office Aroua, Police Station Deo, District Aurangabad, Pin 824215, Presently posted as Principal S.N. Sinha College, Tekari, Gaya, Bihar.

.... Appellant/s

Versus

1. Dr. Arun Kumar Sinha S/o Shri Bhola Nath Sinha Residing at Mansa, 3A/16, West Mahesh Nagar, Patna.
2. Dr. Sachidanand Singh S/o Shri Bisambhar Singh Achavyapur Colony, Azizghat Diara, Biharsharif, District Nalanda.
3. Dr. Vijay Shankar Rai S/o Bhola Rai Reader, Department of Hindi, SMSG College, Sherghati, District Gaya.
4. Vishundeo Rajak S/o Late Jhari Rajak Resident of Village Porar Via Bisudeopur Chandel, P.S. Jandaha, District Vaishali.
5. Dr. Arjun Sharma S/o Late Basudeo Sharma C/o Shyama Charan Sinha, 10, West Anandpuri, Near SBI, Anandpuri, Patna.
6. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
7. The Principal Secretary, Human Resource Development Department, Government of Bihar, Old Secretariat, Patna.
8. The Magadh University through the Registrar Magadh University, Bodh Gaya.
9. The Vice Chancellor, Magadh University, Bodh Gaya.
10. The Registrar, Magadh University, Bodh Gaya.
11. The Selection Committee, Magadh University through Chairman-cum-Vice Chancellor, Magadh University.
12. Dr. Arun Kumar, Acting Vice Chancellor, Magadh University, Bodh Gaya.
13. Dr. Sheo Jatan Thakur, Ex-Member Selection Committee, Magadh University, Bodh Gaya, presently posted as Professor, Department of English, Patna University, Patna.
14. Dr. Raj Muku, Member Selection Committee, Magadh University, Bodh Gaya, Presently posted as Regional Deputy Director of Education, Magadh Division, Gaya.
15. Dr. R. Pandey, Member Selection Committee Magadh University, Bodh Gaya, Presently posted as Pro-Vice-Chancellor, Nilamber Pitambar University, Daltongaj



(Palamu), Jharkhand.

16. Prof. Surendra Kumar Brahmachari, Ex-Vice Chancellor, K.S.D.S. University, Darbhanga, Member Selection Committee, Magadh University, Bodh Gaya, at present residing at 75, Patliputra Colony, Patna-13.

17. Dr. Shree Kant Sharma, Member, Selection Committee, Magadh University, Bodh Gaya, at present posted as Principal, Gaya College, Gaya.

18. Professor Dr. Victor Tigga, Ex-Vice-Chancellor, SKM University, Dumka, Jharkhand, Member Selection Committee, Magadh University, Pansy-Apartment, 2/C Suryoday Nagar, Ashok Path, Kankey Road, Ranchi-834008.

19. Professor Baleshwar Paswan, Chancellor Nominee Selection Committee, Magadh University, Bodh Gaya, H.O.D., P.G. Department of Commerce, V.K.S. University, Ara.

20. Dr. Shailej Kumar Shrivastava, Presently posted as Principal ANS College, Rambag, Bihta, District Patna.

21. Dr. Kumar Rajeev Ranjan, Presently posted as Principal C.J. College, Rambag, Bihta, District Patna.

22. Dr. Anand Kumar Singh, Presently posted as Principal, D.N. Sinha College, Jehanabad, District Jehanabad.

23. Dr. Rajesh Shukla, Presently posted as Principal J.L.N. College, Khagaul, Patna.

24. Dr. Pushpendra Kumar Verma, Presently posted as Principal RLSY College, Bhakhtiyarpur, Patna.

25. Dr. Jawahar Prasad Singh, Presently Posted as Principal, S.U. College, Hilsa, District Nalanda.

26. Dr. Raj Kumar Majumdar, Presently posted as Principal, SPM College, Udantpuri, District Nalanda.

27. Dr. Ganesh Mahto, Presently posted as Principal Daudnagar College, Daudnagar, District Aurangabad.

28. Dr. Phulo Paswan, Presently posted as Principal, RLSY College, Aurangabad (Bihar).

29. Dr. (Smt.) Sushila Das, Presently posted as Principal RPM College, Patna City, Patna.

30. Dr. Tapan Kumar Sandilya, Presently appointed as Principal, Head Quarter, magadh University, Bodh Gaya, Presently posted as Pro-Vice-Chancellor T.M.B. University, Bhagalpur, Bhagalpur (Bihar).

31. Dr. Om Prakash Singh, Presently posted as Principal, S. Sinha College, Aurangabad (Bihar).

32. Dr. Satish Singh Chandra, Presently posted as Principal, M.M. College, Bikram, Patna, Bihar.

33. Dr. Md. Shamsul hasan, Presently posted as Principal, S.M.S.G. College, Sherghati, Gaya, Bihar.

34. Sr. Sunil Suman, Presently posted as Principal, T.S. College Hisua, Naudah, Bihar.

35. Dr. Vinod Kumar, Presently posted as Principal Jawaharlal Nehru Memorial College, Ghorasahan, East Champaran.

.... Respondent/s

With

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Letters Patent Appeal No. 1473 of 2014
IN
Civil Writ Jurisdiction Case No. 9167 of 2012



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1. Dr. Sunil Suman Son of Late Mohan Ram Resident of Village/Mohalla - Rampur, Near College More, P.S. - Rampur, District - Gaya, Presently Posted as Principal, Jagjivan College, Gaya.
 2. Dr (Smt.) Sushila Das Wife of Dr. Faguni Ram 247, M.I.G., Flat Near Pani Tanki, Hanuman Nagar, Presently Posted as Principal R.P.M. College, Patna City, Patna.
 3. Dr. Kumar Rajiv Ranjan Son of Dr. Tapaswi Yadav 8M/66, Bahadurpur Housing Colony, Kankarbag, P.S. - Agam Kuan, District- Patna, Presently Posted as Principal G.J. College, Rambag, Bihta, District- Patna.
 4. Dr. Anand Kumar Singh Son of Late Raghunath Prasad Singh 13/A Ashok Nagar, P.S. - Rampur, District- Gaya Posted as Principal, S.N. Sinha, College, Jehanabad, District- Jehanabad.

.... Appellant/s

Versus

1. Dr. Arun Kumar Sinha, Son of Shri Bhola Nath Sinha, Residing at Mansa, 3A/16, West Mahesh Nagar, Patna
2. Dr. Sachidanand Singh, Son of Shri Bisambhar Singh, Achavyapur Colony, Azizghat Diara, Biharsharif, District-Nalanda
3. Dr. Vijay Shankar Rai, Son of Bhola Rai, Reader, Department Of Hindi, SMSG College, Sherghati, District-Gaya
4. Vishundeo Rajak, Son of Late Jhari Rajak, Resident of Village-Porar Via Bisudeopur Chandel, P.S.-Jandaha, District-Vaishali
5. Dr. Arjun Sharma, Son of Late Basudeo Sharma, C/O Shyama Charan Sinha, 10, West Anandpuri, Near SBI, Anandpuri, Patna
6. The State of Bihar through the Chief Secretary, Government Of Bihar, Old Secretariat, Patna
7. The Principal Secretary, Human Resource Development Department, Government of Bihar, Old Secretariat, Patna
8. The Magadh University through the Registrar Magadh University, Bodh Gaya
9. The Vice-Chancellor, Magadh University, Bodh Gaya
10. The Registrar, Magadh University, Bodh Gaya
11. The Selection Committee, Magadh University through Chairman-Cum-Vice Chancellor, Magadh University
12. Dr. Arun Kumar, Acting Vice-Chancellor Magadh University, Bodh Gaya
13. Dr. Sheo Jatan Thakur, Ex-Member Selection Committee, Magadh University, Bodh Gaya Presently Posted as Professor, Department of English, Patna University, Patna null null
14. Dr. Raj Mukul, Member Selection Committee, Magadh University, Bodh Gaya, Presently Posted as Regional Deputy Director of Education, Magadh Division, Gaya
15. Dr. R. Pandey, Member Selection Committee Magadh University Bodh Gaya, Presently Posted as Pro-Vice-Chancellor Nilamber Pitambar University Daltonganj (Palamu) Jharkhand
16. Prof. Surendra Kumar Brahmachari, Ex-Vice Chancellor, K.S.D.S. University Darbhanga, Member Selection Committee, Magadh University, Bodh Gaya, at Present Residing at 75, Patliputra Colony, Patna-13
17. Dr. Shree Kant Sharma, Member, Selection Committee, Magadh University, Bodh Gaya, at Present Posted as Principal, Gaya College, Gaya
18. Prof. Dr. Victor Tigga, Ex-Vice-Chancellor SKM University, Dumka, Jharkhand, Member Selection Committee, Magadh University PANSY-Apartment, 2/C S-Uryoday Nagar, Ashok Path, Kankey Road, Ranchi-834008



19. Professor Baleshwar Paswan Son of Not Known Chancellor Nominee Selection Committee, Magadh University, Bodh Gaya, H.O.D. P.G. Department Of Commerce, V.K.S. University, Ara
20. Dr. Shailej Kumar Shrivastava, Son of Not Known Presently Posted as Principal ANS College, Nabinagar, Aurangabad (Bihar)
21. Dr. Rajesh Shukla Son of Not Known Presently Posted as Principal JLN College, Khagaul, Patna
22. Dr. Pushpendra Kumar Verma, Son of Not Known Presently Posted as Principal RLSY College, Bhakhtiyarpur, Patna
23. Dr. Jawahar Prasad Singh, Son of Not Known Presently Posted as Principal, S. U. College, Hilsa, District-Nalanda
24. Dr. Raj Kumar Majumdar, Son of Not Known Presently Posted as Principal, SPM College, Udantpuri, District-Nalanda
25. Dr. Ganesh Mahto, Son of Not Known Presently Posted as Principal Daudnagar College, Daudnagar, District-Aurangabad
26. Dr. Phulo Paswan, Son of Not Known Presently Posted as Principal, RLSY College, Aurangabad (Bihar)
27. Dr. Tapan Kumar Sandilya, Son of Not Known Presently Appointed as Principal, Head Quarter, Magadh University, Bodh Gaya, Presently Posted as Pro-Vice-Chancellor T.M.B. University, Bhagalpur, Bhagalpur (Bihar)
28. Dr. Om Prakash Singh, Son of Not Known Presently Posted as Principal, S. Sinha College, Aurangabad (Bihar)
29. Dr. Satish Singh Chandra, Son of Not Known Presently Posted as Principal, M.M. College Bikram, Patna, Bihar
30. Dr. Dilip Kumar, Son of Not Known Presently Posted as Principal M.D. College, Naubatpur, Patna (Bihar)
31. Dr. Satyendra Prajapati, Son of Not Known Presently Posted as Principal S.N. Sinha College, Tekari, Gaya, Bihar
32. Dr. Md. Shamsul Hasan, Son of Not Known Presently Posted as Principal, S.M.S.G. College, Sherghati, Gaya, Bihar
33. Dr. (Mrs.) Meera Kumar, Wife of Not Known Presently Posted as Principal, G.B.M. College, Gaya, Bihar
34. Dr. Vijay Razak, Son of Not Known Presently Posted as Principal S.D. College, Kaler, Arwal, Bihar
35. Dr. Jitendra Rajak, Son of Not Known Presently Posted as Principal, R.P.S. College, Mokamah, Patna
36. Dr. Vinod Kumar, Son of Not Known Presently Posted as Principal Jawaharlal Nehru Memorial College-Ghorasahan, East Champaran

.... Respondent/s

With

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Letters Patent Appeal No. 1474 of 2014
IN
Civil Writ Jurisdiction Case No. 9167 of 2012

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1. Dr. Satish Singh Chandra, son of late Gaya Prasad Singh, resident of village-Jaitiya, P.O.-Euguna, P.S.-Konch, District-Gaya and then posted as Principal, M.M. College Bikram, Patna, Bihar and presently posted as Principal, B.S. College, Danapur, Patna.
2. Dr. Rajesh Shukla, son of Sri Hari Shankar Shukla, R/o A/301, R.K. Complex, Mulchand Path, Chitragupt Nagar, Kankarbagh, Patna-20, P.S.-Patrakar Nagar,



District-Patna and at present posted as Principal JNL College, Khagaul, Patna.

3. Dr. Pushpendra Kumar Verma, so of Sri Lallan Prasad Verma, Kalyani Cooperative, Harnichak Road, Anisabad, Patna, then posted as Principal RLSY College, Bakhtiyarpur, Patna and presently posted as Principal, Arvind Mahila College, Patna.
4. Dr. Jawahar Prasad Singh, son of late Maheshwar Prasad Singh, R/o Mohalla-Behind Small Quarter, DVC Road, Yarpur, Patna, P.S.-Gardanibagh, District-Patna and presently posted as Principal, S.U. College, Hilsa, District-Nalanda.
5. Dr. Om Prakash Singh, son of late Ram Jee Singh, R/o Village and P.O.-Parsar, P.S.-Karakat, District-Rohtas and presently posted as Principal, S.Sinha College, Aurangabad, Bihar.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Human Resource Development Department, Government of Bihar, Old Secretariat, Patna.
3. The Magadh University through the Registrar Magadh University, Bodh Gaya.
4. The Vice-Chancellor, Magadh University, Bodh Gaya.
5. The Registrar, Magadh University, Bodh Gaya.
6. The Selection Committee, Magadh University through Chairman-cum-Vice Chancellor, Magadh University.
7. Dr. Arun Kumar, the then Acting Vice Chancellor, Magadh University, Bodh Gaya.
8. Dr. Sheo Jatan Thakur, Ex-Member Selection Committee, Magadh University, Bodh Gaya, presently posted as Professor, Department of English, Patna University, Patna.
9. Dr. Raj Mukul, Member Selection Committee, Magadh University, Bodh Gaya, presently posted as Regional Deputy Director of Education, Magadh Division, Gaya.
10. Dr. R. Pandey, Member Selection Committee, Magadh University, Bodh Gaya, presently posted as Professor Vice Chancellor Nilamber Pitamber University, Daltonganj (Palamu), Jharkhand.
11. Professor Surendra Kumar Brahmachari, Ex-Vice Chancellor K.S.D.S. University, Darbhanga, Member Selection Committee, Magadh University, Bodh Gaya, at present residing at 75, Patliputra Colony, Patna-13.
12. Dr. Shree Kant Sharma, Member, Selection Committee, Magadh University, Bodh Gaya, at present posted as Principal, T.P.S. College, Patna.
13. Professor Dr. Victor Tigga, Ex-Vice Chancellor, S.K.M. University, Dumka, Jharkhand, Member Selection Committee, Magadh University, Pansy Apartment, 2/C Suryoday Nagar, Ashok Path, Kankey Road, Ranchi-834008.
14. Professor Baleshwar Paswan, Chancellor's Nominee, Selection Committee, Magadh University, Bodh Gaya, H.O.D., P.G. Department of Commerce, V.K.S. University, Ara.
15. Dr. Shailej Kumar Shrivatava, son of not known to the appellant presently posted as Principal, ANS college, Nabinagar, Aurangabad, Bihar .
16. Dr. Kumar Rajeev Ranjan S/o Not known presently posted as Principal G.J. College, Rambag, Bihta, District Patna.
17. Dr. Anand Kumar Singh S/o Not known at present posted as Principal, D.N. Sinha College, Jehanabad, District Jehanabad.
18. Dr. Raj Kumar Majumdar S/o Not known at present posted as Principal, S.P.M. College, Udantpuri, District Nalanda.



19. Dr. Ganesh Mahto S/o Not known at present posted as Principal, Daudnagar College, Daudnagar, District Aurangabad.
20. Dr. Phulo Paswan, son of not known to the appellant presently posted as Principal, RLSY College, Aurangabad, Bihar.
21. Dr. Tapan Kumar Sandilya S/o Not known at present posted as Principal, Head Quarter, Magadh University, Bodh Gaya, presently posted as Pro-Vice Chancellor, TMB University, Bhagalpur.
22. Dr. Dilip Kumar S/o Not known at present posted as Principal, M.D. College, Naubatpur, Patna (Bihar).
23. Dr. Satyendra Prajapati S/o Not known at present posted as Principal, S.N. Sinha College, Tekari, Gaya, Bihar.
24. Dr. Md. Shamsul Hasan S/o Not known at present posted as Principal, S.M.S.G. College, Sherghati, Gaya, Bihar.
25. Dr. (Smt.) Sushila Das W/o Not known at present posted as Principal, R.P.M. College, Patna City, Patna.
26. Dr. Sunil Suman S/o Not known at present posted as Principal, T.S. College, Hisua, Nawadah, Bihar.
27. Dr. (Mrs.) Meera Kumar W/o Not known at present posted as Principal, G.B.M. College, Gaya, Bihar
28. Dr. Vijay Rajak S/o Not known at present posted as Principal, S.D. College, Kaler, Arwal, Bihar.
29. Dr. Jitendra Rajak S/o Not known at present posted as Principal, R.P.S. College, Mokamah, Patna.
30. Dr. Vinod Kumar S/o Not known at present posted as Principal, Jawaharlal Nehru Memorial College, Ghorasahan, East Champaran.
31. Dr. Arun Kumar Sinha Son of Shri Bhola Nath Sinha Residing at Mansa. 3A/16, West Mahesh Nagar, Patna
32. Dr. Sachidanand Singh Son of Shri Bisambher Singh Achavyapur Colony, Azizghat Diara, Biharsarif, District - Nalanda
33. Dr. Vijay Shankar Rai Son of Bhola Rai Reader, Department of Hindi, SMSG College, Sherghati, District – Gaya
34. Dr. Vishundeo Razak, Son of Late Jhari Rajak, Resident of Village - Porar, Via Bisundeopur Chandel, P.S. - Jandaha, District – Vaishali
35. Dr. Arjun Sharma Son of Late Basudeo Sharma C/o Shyama Charan Sinha, 10, West Anandpuri, Near SBI, Anandpuri, Patna.

.... Respondent/s

With

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Letters Patent Appeal No. 18 of 2015
IN
Civil Writ Jurisdiction Case No. 9167 of 2012

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1. Dr. Arun Kumar Son of Late Ramcharan the then Acting Vice-Chancellor, Magadh University, Bodh - Gaya at present residing at 405, Nehru Nagar, P.s. - Patliputra Colony, District - Patna.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government Of Bihar, Old Secretariat, Patna
2. The Principal Secretary, Human Resource Development Department, Government of Bihar, New Secretariat, Patna



3. The Magadh University through the Registrar Magadh University, Bodh Gaya
4. The Vice-Chancellor, Magadh University, Bodh Gaya
5. The Registrar, Magadh University, Bodh Gaya
6. The Selection Committee, Magadh University through Chairman-CumVice Chancellor, Magadh University
7. Dr. Sheo Jatan Thakur, Ex-Member Selection Committee, Magadh University, Bodh Gaya Presently Posted as Professor, Department Of English, Patna University, Patna
8. Dr. Raj Mukul, Member Selection Committee, Magadh University, Bodh Gaya, Presently Posted as Regional Deputy Director Of Education, Magadh Division, Gaya
9. Dr. R. Pandey, Member Selection Committee Magadh University Bodh Gaya, Presently Posted as Pro-Vice-Chancellor Nilamber Pitambar University Daltonganj (Palamu) Jharkhand
10. Prof. Surendra Kumar Brahmachari, Ex-Vice Chancellor, K.S.D.S. University Darbhanga, Member Selection Committee, Magadh University, Bodh Gaya, at Present Residing at 75, Patliputra Colony, Patna-13
11. Dr. Shree Kant Sharma, Member, Selection Committee, Magadh University, Bodh Gaya, the then Principal Gaya College Gaya at present posted as Principal T.P.S. College, Patna.
12. Prof. Dr. Victor Tigga, Ex-Vice-Chancellor SKM University, Dumka, Jharkhand, Member Selection Committee, Magadh University PANSY-Apartment, 2/C S-Uryoday Nagar, Ashok Path, Kankey Road, Ranchi-834008
13. Professor Baleshwar Paswan, Son of Not Known Chancellor Nominee Selection Committee, Magadh University, Bodh Gaya, H.O.D. P.G. Department Of Commerce, V.K.S. University, Ara
14. Dr. Shailej Kumar Shrivastava, Son of Not Known Presently Posted as Principal ANS College, Nabinagar, Aurangabad (Bihar)
15. Dr. Kumar Rajeev Ranjan Son of Not Known Presently Posted as Principal G.J. College, Rambag, Bihta, District-Patna
16. Dr. Anand Kumar Singh, Son of Not Known Presently Posted as Principal, D.N. Sinha College, Jehanabad, District-Jehanabad
17. Dr. Rajesh Shukla, Son of Not Known Presently Posted as Principal JLN College, Khagaul, Patna
18. Dr. Pushpendra Kumar Verma, Son of Not Known then then Principal, RLSY College, Bakhtiyarpur, District - Patna at Present posted as Principal of Arvind Mahila College, Patna.
19. Dr. Jawahar Prasad Singh, Son of Not Known Presently Posted as Principal, S. U. College, Hilsa, District-Nalanda
20. Dr. Raj Kumar Majumdar, Son of Not Known Presently Posted as Principal, SPM College, Udantpuri, District-Nalanda
21. Dr. Ganesh Mahto, Son of Not Known Presently Posted as Principal Daudnagar College, Daudnagar, District-Aurangabad (Bihar)
22. Dr. Phulo Paswan, Son of Not Known Presently Posted as Principal, RLSY College, Aurangabad (Bihar)
23. Dr. (Smt.) Sushila Das, Wife of Not Known to the Petitioner Presently Posted as Principal RPM College, Patna City, Patna
24. Dr. Tapan Kumar Sandilya, Son of Not Known Presently Appointed as Principal, Head Quarter, Magadh University, Bodh Gaya, Presently Posted as Pro-Vice-Chancellor T.M.B. University, Bhagalpur, Bhagalpur (Bihar)
25. Dr. Om Prakash Singh, Son of Not Known Presently Posted as Principal, S. Sinha College, Aurangabad (Bihar)



26. Dr. Satish Singh Chandra, Son of Not Known Presently Posted as Principal, M.M. College Bikram, Patna, Bihar
27. Dr. Dilip Kumar, Son of Not Known the then Principal M.D. College, Naubatpur, Patna Presently Posted as S.D.M. College, Punpun, Patna.
28. Dr. Sateyebndra Prajapati Son of Not Known the then Principal S.N. Sinha College, Tekari Gaya Presently posted as G.B.M. College, Gaya.
29. Dr. Md. Shamsul Hasan Son of Not Known the then Principal, S.M.S.G. College, Sherghati, Gaya at presently posted as Principal Gaya College Gaya.
30. Sr. Sunil Suman Son of Not Known the then Principal, T.S. College, Hisua, Nawada at presently posted as Principal, J.J. College, Gaya (Bihar).
31. Dr. (Smt.) Meera Kumari Wife of Not Known the then Principal, G.B.M. College, Gaya, Bihar presently posted as principal, Mahila College, Khagaul, Patna.
32. Dr. Vijay Razak, Son of Not Known the then Principal S.D. College, Kaler, Arwal (Bihar) presently posted as Principal S.M.S.G. College, Sherghati, Gaya.
33. Dr. Jitendra Rajak Son of Not Known the then Principal R.P.S. College, Mokamah, Patna presently posted as Principal S.D.M. College, Punpun, Patna.
34. Dr. Vinod Kumar Son of Not Known Presently posted as Principal Jawahar Lal Nehru Memorial College - Ghorasahan, East Champaran.
35. Dr. Arun Kumar Sinha Son of Shri Bhola Nath Sinha Residing at Mansa. 3A/16, West Mahesh Nagar, Patna presently posted as Lecturer, Department of Zoology, Nalanda College, Nalanda at Biharsarif.
36. Dr. Sachidanand Singh Son of Shri Bisambher Singh Achavyapur Colony, Azizghat Diara, Biharsarif, District - Nalanda presently posted as Lecturer Department of Chemistry, Nalanda College Nalanda at Biharsarif.
37. Dr. Vijay Shankar Rai Son of Bhola Rai Reader, Department of Hindi, SMSG College, Sherghati, District - Gaya.
38. Dr. Vishundeo Razak, Son of Late Jhari Rajak, Resident of Village - Porar, Via Bisundeopur Chandel, P.S. - Jandaha, District - Vaishali.
39. Dr. Arjun Sharma Son of Late Basudeo Sharma C/o Shyama Charan Sinha, 10, West Anandpuri, Near SBI, Anandpuri, Patna presently posted as Lecturer, Department of Political Science, S.M.D. College, Punpun, Patna.

.... Respondent/s

With

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Letters Patent Appeal No. 43 of 2015

IN

Civil Writ Jurisdiction Case No. 9167 of 2012

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1. Dr. Pravin Kumar Son of Late L.N. Karn, Resident of Mohalla- Flat No. C/2, Onkar Apartment, Sheikhpura Bagicha, P.S.- Shastri Nagar, District- Patna

.... Appellant/s

Versus

1. Dr. Arun Kumar Sinha son of Shri Bhola Nath Sinha Residing at Mansa, 3A /16, West Mahesh Nagar, Patna presently posted as Association Professor, Department of Zoology, Nalanda College, Nalanda at Biharsharif
2. Dr. Sachchidanand Singh, son of Shri Bisambher Singh, Achavyapur Colony, Azizghat Diara, Biharsharif, District - Nalanda presently posted as Lecturer, Department of Chemistry, Nalanda College, Nalanda at Biharsarif
3. Dr. Vijay Shankar Rai, Son of Bhola Rai, Reader, Department of Hindi, SMSG College, Sherghati, District - Gaya
4. Dr. Vishundeo Razak, son of Late Jhari Rajak, Resident of Village - Porar Via



Bisundeopur Chandel, P.S. - Jandaha, District - Vaishali

5. Dr. Arjun Sharma, son of Late Basudeo Sharma, C/O Shyama Charan Sinha, 10, West Anandpuri, Near S.B.I., Anandpuri, Patna Presently posted as Lecturer, Department of Political Science, S.M.D. College, Punpun, Patna
6. The State of Bihar through its Chief Secretary, Government of Bihar, Old Secretariat, Patna
7. The Principal Secretary, Human Resource Development Department, Government of Bihar, New Secretariat, Patna
8. The Magadhs University through the Registrar Magadha University, Bodh-Gaya
9. The Vice - Chancellor, Magadha University, Bodh Gaya
10. The Registrar, Magadha University, Bodh Gaya
11. The Selection Committee, Magadh University through Chairman - Cum - Vice Chancellor, Magadh University
12. Dr. Arun Kumar, Acting Vice - Chancellor, Magadh University, Bodh Gaya
13. Dr. Sheo Jatan Thakur, Ex - Member Selection Committee, Magadh University, Bodh Gaya presently posted as Professor, Department of English, Patna University, Patna
14. Dr. Raj Mukul, Member of Selection Committee, Magadh University, Bodh Gaya, null presently posted as Regional Deputy Director of Education, Magadh Division, Gaya
15. Dr. R. Pandey, Member of Selection Committee, Magadha University, Bodh Gaya, presently posted as Pro-Vice-Chancellor, Nilamber Pitambar University Daltanjanj (Palamu) Jharkhand
16. Prof. Surendra Kumar Brahmachari, Ex-Vice Chancellor, K.S.D.S. University Darbhanga, Member of Selection Committee, Magadha University, Bodh Gaya, presently Residing at 75, Patliputra Colony, Patna - 13
17. Dr. Shree Kant Sharma, Member of Selection Committee, Magadhs University, Bodh Gaya, at present posted as Principal, Gaya College, Gaya
18. Prof. Dr. Victor Tigga, Ex-Vice-Chancellor, S.K.M. University, Jharkhand, Member of Selection Committee, Magadhs University, Bodh-Gaya, PANSY-Apartment, 2/C- S Uroday Nagar, Ashok Path, Kankey Road, Ranchi - 834008
19. Prof Baleshwar Paswan, Son of Not Known, Chancellor Nominee Selection Committee, Magadha University, Bodh Gaya, H.O.D. P.G. Department of Commerce, V.K.S. University, Ara
20. Dr. Shailej Kumar Shrivastava, Son of Not Known, presently posted as Principal A.N.S. College, Nabinagar, Auranagabad
21. Dr. Kumar Rajeev Ranjan Son of Not Known, presently posted as Principal G.J. College, Rambagh, Bihta, District- Patna
22. Dr. Anand Kumar Singh , Son of Not Known, presently posted as Principal, D.N. Sinha College, Jehanabad, District - Jehanabad
23. Dr. Rajesh Shulka, Son of Not Known, presently posted as Principal, J.L.N. College, Khagaul, District- Patna
24. Dr. Pushpendra Kumar Verma, Son of Not Known, presently posted as Principal, RLSY College, Bakhtiyarpur, District- Patna
25. Dr. Jawahar Prasad Singh Son of Not Known, presently posted as Principal, S.U. College, Hilsa, District- Nalanda
26. Dr. Raj Kumar Majumdar Son of Not Known, presently posted as Principal, S.P.M. College, Udantpuri, District- Nalanda
27. Dr. Ganesh Mahto, Son of Not Known, presently posted as Principal, Daudnagar College, Daudnagar, District- Patna
28. Dr. Phulo Paswan, Son of Not Known, presently posted as Principal, RLSY College, Aurangabad (Bihar)



29. Dr. (Smt.) Sushila Das wife of Not Known, presently posted as Principal, R.P.M. College, Patna City, Patna
30. Dr. Tapan Kumar Sandilya Son of Not Known, presently appointed as Principal, Head Quarter, Madagh University, Bodh-Gaya, Presently posted as Pro-Vice-Chancellor, T.M.B. University, Bhagalpur (Bihar)
31. Dr. Om Prakash Singh Son of Not Known, Presently posted as Principal, S. Sinha College, Aurangabad (Bihar)
32. Dr. Satish Singh Chandra, Son of Not Known, the then posted as Principal, M.M. College, Bikram, Patna at presently posted as Principal B.S. College, Danapur, Patna
33. Dr. Dilip Kumar Son of Not Known, the then Principal, M.D. College, Naubatpur, Patna presently posted at S.D.M. College, Punpun, Patna
34. Dr. Satyendra Prajapati Son of Not Known, the then Principal, S. N. Sinha College, Tekari, Gaya, Presently posted as G.B.M. College, Gaya
35. Dr. Md. Shamsul Hasan, Son of Not Known, the then Principal, S.M.S.G. College, Sherghati, Gaya at presently posted as Principal Gaya College, Gaya
36. Dr. Sunil Suman Son of Not Known, the then Principal, T.S. College, Hisua, Nawada at presently posted as Principal, J.J. College, Gaya (Bihar)
37. Dr. (Smt.) Meera Kumar wife of Not Known, the then Principal, G.B.M. College- Gaya, Bihar presently posted as Principal, Mahila College, Khagaul, Patna
38. Dr. Vijay Rajak Son of Not Known, the then Principal, S.Dr. College, Kaler, Arwal, (Bihar), presently posted as Principal S.M.S.G. College, Sherghati, Gaya
39. Dr. Jitendra Rajak Son of Not Known, the then Principal, R.P.S. College, Mokamah, Patna presently posted as Principal S.D.M. College, Punpun, Patna
40. Dr. Vinod Kumar Son of Not Known, Presently posted as Principal, Jawaharlal Nehru Memorial College- Ghorasahan, East Champaran
41. The Magadh University through its Registrar, Magadh University, Bodh Gaya.
42. The Vice-Chancellor, Magadh University, Bodh Gaya
43. The University Selection Committee , Magadh University, Both Gaya through its Chairman Cum Vice Chancellor, Magadh University, Bodh Gaya
44. Dr. Lalan Kumar, Son of Not Known, present posted as Associate Professional (Reader) in Chemistry, B.S. College, Danapur

.... Respondent/s

With

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Letters Patent Appeal No. 17 of 2015
IN
Civil Writ Jurisdiction Case No. 9167 of 2012

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1. Dr. Shailaj Kumar Shrivastava S/o Late Hareshwar Prasad Shrivastava Resident of Mohalla Chitragupta Nagar, K-14 Gayatri Tapo Griha, Police Station Patrakar Nagar, Kankarbagh, District Patna at present posted as Principal, ANS College, Nabinagar, Aurangabad (Bihar).
2. Dr. Phulo Paswan S/o Late Kheyali Paswan Resident of Village Makia, Police Station Benipatti, District Madhubani, at present posted as Principal, R.L.S.Y. College, Aurangabad.

.... Appellant/s

Versus

1. Dr. Arun Kumar Sinha S/o Shri Bhola Nath Sinha Resident of at Mansa, 3A/16, West Mahesh Nagar, Patna.
2. Dr. Sachidanand Singh S/o Shri Bisambhar Singh Achavyapur Colony, Azizghat



Diara, Biharsharif, District Nalanda.

3. Dr. Vijay Shankar Rai S/o Bhola Rai Reader, Department of Hindi, S.M.S.G. College, Sherghati, District Gaya.
4. Vishundeo Rajak S/o Late Jhari Rajak Resident of Village Porar Via Bishudeopur Chandel, Police Station Jandaha, District Vaishali.
5. Dr. Arjun Sharma S/o Late Basudeo Sharma C/o Shyama Charan Sinha, 10, West Anandpuri, near S.B.I., Anandpuri, Patna.
6. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
7. The Principal Secretary, Human Resource Development Department, Government of Bihar, Old Secretariat, Patna.
8. The Magadh University through the Registrar, Magadh University, Bodh Gaya.
9. The Vice Chancellor, Magadh University, Bodh Gaya.
10. The Registrar, Magadh University, Bodh Gaya
11. The Selection Committee, Magadh University through Chairman-cum-Vice Chancellor, Magadh University.
12. Dr. Arun Kumar, the then Acting Vice Chancellor, Magadh University, Bodh Gaya.
13. Dr. Sheo Jatan Thakur, Ex-Member Selection Committee, Magadh University, Bodh Gaya, presently posted as Professor, Department of English, Patna University, Patna.
14. Dr. Raj Mukul, Member Selection Committee, Magadh University, Bodh Gaya, presently posted as Regional Deputy Director of Education, Magadh Division, Gaya.
15. Dr. R. Pandey, Member Selection Committee, Magadh University, Bodh Gaya, presently posted as Professor Vice Chancellor Nilamber Pitamber University, Daltonganj (Palamu), Jharkhand.
16. Professor Surendra Kumar Brahmachari, Ex-Vice Chancellor K.S.D.S. University, Darbhanga, Member Selection Committee, Magadh University, Bodh Gaya, at present residing at 75, Patliputra Colony, Patna-13.
17. Dr. Shree Kant Sharma, Member, Selection Committee, Magadh University, Bodh Gaya, at present posted as Principal, T.P.S. College, Patna.
18. Professor Dr. Victor Tigga, Ex-Vice Chancellor, S.K.M. University, Dumka, Jharkhand, Member Selection Committee, Magadh University, Pansy Apartment, 2/C Suryoday Nagar, Ashok Path, Kankey Road, Ranchi-834008.
19. Professor Baleshwar Paswan, Chancellor's Nominee, Selection Committee, Magadh University, Bodh Gaya, H.O.D., P.G. Department of Commerce, V.K.S. University, Ara.
20. Dr. Kumar Rajeev Ranjan S/o Not known presently posted as Principal G.J. College, Rambag, Bihta, District Patna.
21. Dr. Anand Kumar Singh S/o Not known at present posted as Principal, D.N. Sinha College, Jehanabad, District Jehanabad.
22. Dr. Rajesh Shukla S/o Not known at present posted as Principal J.L.N. College, Khagaul, Patna.
23. Dr. Pushpendra Kumar Verma S/o Not known presently posted as Principal R.L.S.Y. College, Bhakhtiyarpur, Patna.
24. Dr. Jawahar Prasad Singh S/o Not known at present posted as Principal S.U. College Hilsa, District Nalanda.
25. Dr. Raj Kumar Majumdar S/o Not known at present posted as Principal, S.P.M. College, Udantpuri, District Nalanda.
26. Dr. Ganesh Mahto S/o Not known at present posted as Principal, Daudnagar College, Daudnagar, District Aurangabad.



27. Dr. (Smt.) Sushila Das W/o Not known at present posted as Principal, R.P.M. College, Patna City, Patna.
28. Dr. Tapan Kumar Sandilya S/o Not known at present posted as Principal, Head Quarter, Magadh University, Bodh Gaya, presently posted as Principal, G.D. College, Begusarai under L.N.M. University, Darbhanga.
29. Dr. Om Prakash Singh S/o Not known at present posted as Principal, S. Sinha College, Aurangabad (Bihar).
30. Dr. Satish Singh Chandra S/o Not known at present posted as Principal, M.M. College, Bikram, Patna, Bihar.
31. Dr. Dilip Kumar S/o Not known at present posted as Principal, M.D. College, Naubatpur, Patna (Bihar).
32. Dr. Satyendra Prajapati S/o Not known at present posted as Principal, S.N. Sinha College, Tekari, Gaya, Bihar.
33. Dr. Md. Shamsul Hasan S/o Not known at present posted as Principal, S.M.S.G. College, Sherghati, Gaya, Bihar.
34. Dr. Sunil Suman S/o Not known at present posted as Principal, T.S. College, Hisua, Nawadah, Bihar.
35. Dr. (Mrs.) Meera Kumar W/o Not known at present posted as Principal, G.B.M. College, Gaya, Bihar.
36. Dr. Vijay Rajak S/o Not known at present posted as Principal, S.D. College, Kaler, Arwal, Bihar.
37. Dr. Jitendra Rajak S/o Not known at present posted as Principal, R.P.S. College, Mokamah, Patna.
38. Dr. Binod Kumar S/o Not known at present posted as Principal, Jawaharlal Nehru Memorial College, Ghorasahan, East Champaran.

.... Respondent/s

With

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Letters Patent Appeal No. 176 of 2015
IN
Civil Writ Jurisdiction Case No. 9167 of 2012

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1. Dr. Md. Shamsul Islam (Wrongly Mentioned As Shamsul Hasan) Son of Late Dr. M.Zafarrul Islam Resident of Bariya Pokhar, Near Railway Hospital, P.S - Civil Lines, District - Gaya presently posted as Principal S.M.S.G. College, Serghati, Gaya, Bihar.

.... Appellant/s

Versus

1. Dr. Arun Kumar Sinha Son of Shri Bhola Nath Sinha Residing at Mansa, 3 A/16, West Mahesh Nagar, Patna
2. Dr. Sachidanand Singh Son of Shri Bisambhar Singh Achavyapur Colony, Azizghat Diara, Biharsharif, District - Nalanda
3. Dr. Vijay Shankar Rai Son of Bhola Rai, Reader Department Of Hindi, SMSG College, Sherghati, District - Gaya
4. Vishundeo Rajak Son of Late Jhari Rajak Resident of Village - Porar Via Bisudeopur Chandel, P.S. - Jandaha, District - Vaishali
5. Dr. Arjun Sharma Son Of Late Basudeo Sharma C/O Shyama Charan Sinha, 10, West Anandpuri, Near SBI, Anandpuri, Patna
6. The State of Bihar through the Chief Secretary, Government Of Bihar, Old Secretariat, Patna
7. The Principal Secretary, Human Resource Development Department,



Government of Bihar, Old Secretariat, Patna

8. The Magadh University through the Registrar Magadh University, Bodh Gaya

9. The Vice - Chancellor, Magadh University, Bodh Gaya

10. The Registrar, Magadh University, Bodh Gaya

11. The Selection Committee, Magadh University through Chairman - Cum - Vice Chancellor, Magadh University

12. Dr. Arun Kumar, Acting Vice - Chancellor Magadh University, Bodh Gaya

13. Dr. Sheo Jatan Thakur, Ex - Member Selection Committee, Magadh University, Bodh Gaya Presently Posted as Professor, Department Of English, Patna University, Patna

14. Dr. Raj Mukul, Member Selection Committee, Magadh University, Bodh Gaya, Presently Posted as Regional Deputy Director of Education, Magadh Division, Gaya

15. Dr. R. Pandey, Member Selection Committee Magadh University Bodh Gaya, Presently Posted as Pro - Vice - Chancellor Nilamber Pitambar University Daltonganj (Palamu) Jharkhand

16. Prof. Surendra Kumar Brahmachari, Ex - Vice Chancellor, K.S.D.S. University Darbhanga, Member Selection Committee, Magadh University, Bodh Gaya, at Present Residing at 75, Patliputra Colony, Patna - 13

17. Dr. Shree Kant Sharma, Member, Selection Committee, Magadh University, Bodh Gaya, at Present Posted as Principal, Gaya College, Gaya

18. Prof. Dr. Victor Tigga, Ex - Vice - Chancellor S KM University, Dumka, Jharkhand, Member Selection Committee, Magadh University PANSY - Apartment, 2/C S - Suryoday Nagar, Ashok Path, Kankey Road, Ranchi - 834008

19. Professor Baleshwar Paswan , Chancellor Nominee Selection Committee, Magadh University, Bodh Gaya, H.O.D. P.G. Department Of Commerce, V.K.S. University, Ara null null

20. Dr. Shailej Kumar Shrivastava , Presently Posted as Principal ANS College, Nabinagar, Auranagabad (Bihar) null null

21. Dr. Kumar Rajeev Ranjan, Presently Posted as Principal C .J. College, Rambag, Bihta, District - Patna

22. Dr. Anand Kumar Singh , Presently Posted as Principal, D.N. Sinha College, Jehanabad, District - Jehanabad

23. Dr. Rajesh Shukla , Presently Posted as Principal JLN College, Khagaul, Patna

24. Dr. Pushpendra Kumar Verma , Presently Posted as Principal RLSY College, Bhakhtiyarpur, Patna

25. Dr. Jawahar Prasad Singh , Presently Posted as Principal, S. U. College, Hilsa, District - Nalanda

26. Dr. Raj Kumar Majumdar , Presently Posted as Principal, SPM College, Udantpuri, District - Nalanda

27. Dr. Ganesh Mahto , Presently Posted as Principal Daudnagar College, Daudnagar, District - Aurangabad

28. Dr. Phulo Paswan , Presently Posted as Principal, RLSY College, Aurangabad (Bihar)

29. Dr. (Smt.) Sushila Das , Presently Posted as Principal RPM College, Patna City, Patna

30. Dr. Tapan Kumar Sandilya , Presently Appointed as Principal, Head Quarter, Magadh University, Bodh Gaya, Presently Posted as Pro - Vice - Chancellor T.M.B. University, Bhagalpur, Bhagalpur (Bihar)

31. Dr. Om Prakash Singh , Presently Posted as Principal, S. Sinha College, Aurangabad (Bihar)

32. Dr. Satish Singh Chandra , Presently Posted as Principal, M.M. College



Bikram, Patna, Bihar

33. Dr. Dilip Kumar S/o Late Jethu Roy Resident of Mahalla - North East Rahsa, Bhagwanpur, District - Vaishali Bihar Preently Posted as Principal M.D Collage , Naubatpur, Patna (Bihar).

34. Dr. Satyendra Prajapati Son of Late Ram Kunwar Prajapati Resident of Mahalla - Aroua, Post Office- Aroua, Police Station - Deo, District - Aurangabad, PIN-824215, Presently Posted as Principal S.N. Sinha College, Tekari, Gaya, Bihar

35. Sr. Sunil Suman, Presently Posted as Principal, T.S. College Hisua, Naudah, Bihar

36. DR.(Mrs.) Meera Kumari null C/o Mr. Dilip Kumar Resident of Mohalla - MIG-313, Near Shivaji Park, Kankarbagh, District - Patna Bihar, PIN-800020, presently posted as Principal Mahila College, Khagaul, Patna, Bihar.

37. Dr. Vijay Razak Son of Late Hari Rajak Resident of Village and Post Office - Peshaur, Police Station - Rahue, District - Nalanda, Bihar, Presently Posted as Principal S.D. College, Kaler, Distt. Arwal, Bihar.

38. Dr. Jitendra Rajak S/o Shri Gulab Chandra Prasad Resident ov Village - Rajeshwar Bihar, Phase - II, Post Office - Kurthaul, Police Station - Parsa Bazar, District - Patna Bihar, PIN-804453, Presently Posted as Principal, R.P.S. College, Mokamah, Distt- Patna , Bihar.

39. Dr. Vinod Kumar, Presently Posted as Principal Jawaharlal Nehru Memorial College - Ghorasahan, East Champaran

.... Respondent/s

With

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Letters Patent Appeal No. 177 of 2015

IN

Civil Writ Jurisdiction Case No. 9167 of 2012

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1. Dinesh Kumar Yadav Son of Late H.S. Yadav Resident of Quarter No- A/9, Magadh University Campus , Police Station - Magadh University Campus, District - Gaya, presently Holdingh the Post of Registrar, Magadh University.

.... Appellant/s

Versus

1. Dr. Arun Kumar Sinha Son of Shri Bhola Nath Sinha Residing at Mansa, 3 A /16, West Mahesh Nagar, Patna

2. Dr. Sachidanand Singh Son of Shri Bisambhar Singh Achavyapur Colony, Azizghat Diara, Biharsharif, District - Nalanda

3. Dr. Vijay Shankar Rai Son of Bhola Rai Reader, Department Of Hindi, SMSG College, Sherghati, District - Gaya

4. Vishundeo Rajak Son of Late Jhari Rajak Resident of Village - Porar Via Bisudeopur Chandel, P.S. - Jandaha, District - Vaishal

5. Dr. Arjun Sharma Son of Late Basudeo Sharma C/O Shyama Charan Sinha, 10, West Anandpuri, Near SBI , Anandpuri, Patna

6. The State of Bihar through the Chief Secretary, Government Of Bihar, Old Secretariat, Patna

7. The Principal Secretary, Human Resource Development Department, Government of Bihar, Old Secretariat, Patna

8. The Magadh University through the Registrar Magadh University, Bodh Gaya

9. The Vice - Chancellor, Magadh University, Bodh Gaya

10. The Registrar, Magadh University, Bodh Gaya

11. The Selection Committee, Magadh University through Chairman - Cum - Vice Chancellor, Magadh University



12. Dr. Arun Kumar, Acting Vice - Chancellor Magadh University, Bodh Gaya
13. Dr. Sheo Jatan Thakur, Ex - Member Selection Committee, Magadh University, Bodh Gaya Presently Posted as Professor, Department Of English, Patna University, Patna
14. Dr. Raj Mukul, Member Selection Committee, Magadh University, Bodh Gaya, Presently Posted as Regional Deputy Director of Education, Magadh Division, Gaya
15. Dr. R. Pandey, Member Selection Committee Magadh University Bodh Gaya, Presently Posted as Pro - Vice - Chancellor Nilamber Pitambar University Daltonganj (Palamu) Jharkhand
16. Prof. Surendra Kumar Brahmachari, Ex - Vice Chancellor, K.S.D.S. University Darbhanga, Member Selection Committee, Magadh University, Bodh Gaya, at Present Residing at 75, Patliputra Colony, Patna - 13
17. Dr. Shree Kant Sharma, Member, Selection Committee, Magadh University, Bodh Gaya, at Present Posted as Principal, Gaya College, Gaya
18. Prof. Dr. Victor Tigga, Ex - Vice - Chancellor SKM University, Dumka, Jharkhand, Member Selection Committee, Magadh University PANSY - Apartment, 2/C S - Suryoday Nagar, Ashok Path, Kankey Road, Ranchi - 834008
19. Professor Baleshwar Paswan , Chancellor Nominee Selection Committee, Magadh University, Bodh Gaya, H.O.D. P.G. Department Of Commerce, V.K.S. University, Ara
20. Dr. Shailej Kumar Shrivastava , Presently Posted as Principal ANS College, Nabinagar, Auranagabad (Bihar)
21. Dr. Kumar Rajeev Ranjan, Presently Posted as Principal C .J. College, Rambag, Bihta, District - Patna
22. Dr. Anand Kumar Singh , Presently Posted as Principal, D.N. Sinha College, Jehanabad, District - Jehanabad
23. Dr. Rajesh Shukla , Presently Posted as Principal JLN College, Khagaul, Patna
24. Dr. Pushpendra Kumar Verma , Presently Posted as Principal RLSY College, Bhakhtiyarpur, Patna
25. Dr. Jawahar Prasad Singh , Presently Posted as Principal, S. U. College, Hilsa, District - Nalanda
26. Dr. Raj Kumar Majumdar , Presently Posted as Principal, SPM College, Udantpuri, District - Nalanda
27. Dr. Ganesh Mahto , Presently Posted as Principal Daudnagar College, Daudnagar, District - Aurangabad
28. Dr. Phulo Paswan , Presently Posted as Principal, RLSY College, Aurangabad (Bihar)
29. Dr. (Smt.) Sushila Das , Presently Posted as Principal RPM College, Patna City, Patna
30. Dr. Tapan Kumar Sandilya , Presently Appointed as Principal, Head Quarter, Magadh University, Bodh Gaya, Presently Posted as Pro - Vice - Chancellor T.M.B. University, Bhagalpur, Bhagalpur (Bihar)
31. Dr. Om Prakash Singh , Presently Posted as Principal, S. Sinha College, Aurangabad (Bihar)
32. Dr. Satish Singh Chandra , Presently Posted as Principal, M.M. College Bikram, Patna, Bihar
33. Dr. Dilip Kumar S/o Late Jethu Roy Resident of Mahalla - North East Rahsa, Bhagwanpur, District - Vaishali Bihar Presently Posted as Principal M.D Collage , Naubatpur, Patna (Bihar).
34. Dr. Satyendra Prajapati Son of Late Ram Kunwar Prajapati Resident of Mahalla - Aroua, Post Office- Aroua, Police Station - Deo, District - Aurangabad,



PIN-824215, Presently Posted as Principal S.N. Sinha College, Tekari, Gaya, Bihar
35. Dr. Md. Shamsul Islam (Wrongly Mentioned As Shamsul Hasan) Son of Late Dr. M.Zafarrul Islam Resident of Bariya Pokhar, Near Railway Hospital, P.S - Civil Lines, District - Gaya presently posted as Principal S.M.S.G. College, Serghati, Gaya, Bihar.
36. Sr. Sunil Suman, Presently Posted as Principal, T.S. College Hisua, Naudah, Bihar
37. DR.(Mrs.) Meera Kumari C/o Mr. Dilip Kumar Resident of Mohalla - MIG-313, Near Shivaji Park, Kankarbagh, District - Patna Bihar, PIN-800020, presently posted as Principal Mahila College, Khagaul, Patna, Bihar.
38. Dr. Vijay Razak Son of Late Hari Rajak Resident of Village and Post Office - Peshaur, Police Station - Rahue, District - Nalanda, Bihar, Presently Posted as Principal S.D. College, Kaler, Distt. Arwal, Bihar.
39. Dr. Jitendra Rajak S/o Shri Gulab Chandra Prasad Resident of Village - Rajeshwar Bihar, Phase - II, Post Office - Kurthaul, Police Station - Parsa Bazar, District - Patna Bihar, PIN-804453, Presently Posted as Principal, R.P.S. College, Mokamah, Distt- Patna , Bihar.
40. Dr. Vinod Kumar, Presently Posted as Principal Jawaharlal Nehru Memorial College - Ghorasahan, East Champaran

.... Respondent/s

With

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Letters Patent Appeal No. 267 of 2015
IN
Civil Writ Jurisdiction Case No. 9167 of 2012

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1. Dr. Raj Kumar Mazumdar S/o Late Gosto Bihari Mazumdar Resident of Saida Bazar, Hilsa, Nalanda, At present posted as Principal , SPM College, Udantpuri, District- Nalanda.
2. Dr. Ganesh Mahto S/o Late Ayodhya Mahto Resident of Mohalla- Bishanpur Asthal , within Begusarai Municipal Corporation , District- Begusarai.

.... Appellant/s

Versus

1. The State of Bihar Through The Chief Secretary Government. of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Human Resource Development Department, Government of Bihar, New Secretariat, Patna
3. The Vice-Chancellor, Magadh University, Bodh Gaya
4. The Magadh University through the Registrar Magadh University, Bodh Gay
5. The Registrar, Magadh University, Bodh Gaya
6. The Selection Committee, Magadh University through Chairman-Cum-Vice Chancellor, Magadh University
7. Dr. Arun Kumar, Acting Vice-Chancellor Magadh University, Bodh Gaya
8. Dr. Sheo Jatan Thakur, Ex-Member Selection Committee, Magadh University, Bodh Gaya Presently Posted as Professor, Department Of English, Patna University, Patna
9. Dr. Raj Mukul, Member Selection Committee, Magadh University, Bodh Gaya, Presently Posted as Regional Deputy Director Of Education, Magadh Division, Gaya
10. Dr. R. Pandey, Member Selection Committee Magadh University Bodh Gaya, Presently Posted as Pro-Vice-Chancellor Nilamber Pitambar University Daltonganj (Palamu) Jharkhand



11. Prof. Surendra Kumar Brahmachari, Ex-Vice Chancellor, K.S.D.S. University Darbhanga, Member Selection Committee, Magadh University, Bodh Gaya, at Present Residing at 75, Patliputra Colony, Patna-13
12. Dr. Shree Kant Sharma, Member, Selection Committee, Magadh University, Bodh Gaya, at Present Posted as Principal, Gaya College, Gaya
13. Prof. Dr. Victor Tigga, Ex-Vice-Chancellor SKM University, Dumka, Jharkhand, Member Selection Committee, Magadh University PANSY-Apartment, 2/C S-Uryoday Nagar, Ashok Path, Kankey Road, Ranchi-834008
14. Professor Baleshwar Paswan, Son of Not Known Chancellor Nominee Selection Committee, Magadh University, Bodh Gaya, H.O.D. P.G. Department Of Commerce, V.K.S. University, Ara null
15. Dr. Shailej Kumar Shrivastava, Son of Not Known Posted as Principal ANS College, Nabinagar, Aurangabad (Bihar)
16. Dr. Kumar Rajeev Ranjan Son of Not Known Presently Posted as Principal G.J. College, Rambag, Bihta, District-Patna
17. Dr. Anand Kumar Singh, Son of Late Raghunath Pratap Singh, R/o Mohalla-Ashok Nagar, P.S- Rampur, Distirct- Gaya, Presently posted as principal . S.N. Sinha College, Jehanabad, District Jehanabad
18. Dr. Phulo Paswan, Son of Not Known Presently Posted as Principal, RLSY College, Aurangabad (Bihar) Son of Not Known Presently Posted as Principal, RLSY College, Aurangabad (Bihar)
19. Dr. Tapan Kumar Sandilya, Son of Not Known Presently Appointed as Principal, Head Quarter, Magadh University, Bodh Gaya, Presently Posted as Pro-Vice-Chancellor T.M.B. University, Bhagalpur, Bhagalpur (Bihar)
20. Dr. Dilip Kumar, Son of Not Known Presently Posted as Principal M.D. College, Naubatpur, Patna (Bihar)
21. Dr. Satyendra Prajapati, Son Of Not Known Presently Posted as Principal S.N. Sinha College, Tekari, Gaya, Bihar
22. Dr. Md. Shamsul Hasan, Son of Not Known Presently Posted as Principal, S.M.S.G. College, Sherghati, Gaya, Bihar
23. Dr. (Smt.) Sushila Das, Wife of Not Known Presently Posted as Principal RPM College, Patna City, Patna
24. Sr. Sunil Suman, Son of Not Known Presently Posted as Principal, T.S. College Hisua, Naudah, Bihar
25. Dr. (Mrs.) Meera Kumar, Wife of Not Known Presently Posted as Principal, G.B.M. College, Gaya, Bihar
26. Dr. Vijay Razak, Son of Not Known Presently Posted as Principal S.D. College, Kaler, Arwal, Bihar
27. Dr. Jitendra Rajak, Son of Not Known Presently Posted as Principal, R.P.S. College, Mokamah, Patna
28. Dr. Vinod Kumar, Son of Not Known Presently Posted as Principal Jawaharlal Nehru Memorial College-Ghorasahan, East Champaran
29. Dr. Satish Singh Chandra, Son of late Gaya Prasad Singh. R/o village- Jaitiya , P.O. Euguna, p.s- konch, District- Gaya and then posted as principal M.M. College, Bikram , patna Bihar and presently as Principal , B.S. College, Danapur, patna.
30. Dr. Rajesh Shukla, Son of Sri Hari Shankar Shukla, R/o A/301, R.K. Complex , Mulchand path Chitragupt Nagar, Kankarbagh, Patna-20, P.S. Patrakar Nagar, Disgtrict- Patna and at present posted as Principal JLN College Khagaul, Patna.
31. Dr.Pushpendra Kumar Verma. son of Sri Lallan Prasad Verma
32. Dr. Jawarhar Prasad Singh son of Late Maheshwar Prasad Singh R/o Mohalla-Behind Small Quarter, DVC Road, Yarpur, Patna P.S. Gardanibagh, District Patna and presently posted as Principal , S.U. College , Hilsa, District, Nalanda.



33. Dr.Om Prakash Singh Son of Late Ram Jee Singh R/o Village & P.O - Parsar, P.S.- karkarkat, District - Rohtas and presently posted as Principal .S. Sinha College, Aurangabad, (Bihar).
34. Dr. Arun Kumar Sinha S/o Sri Bhola Nath Sinha Resident at Mansa, 3A/16, West Mahesh Nagar, Patna.
35. Dr. Sachidanand Singh S/o Sri Bisambhar Singh Achavyarpur Colony, Azizghat Diara, Biharsharif, District - Nalanda.
36. Vishundeo Rajak Son of Late Jhari Rajak Resident of village- Porar Via- Vishundeopur Chandel, P.S.- Jandaha, District- Vaishali.
37. Dr. Arjun Sharma S/o Late Basudeo Sharma C/o Shyama Charan Sinha, 10, West Anandpuri, Near SBI, Anandpuri, Patna.

.... Respondent/s

Appearance :

(LPA No.1461/ 2014,)

For Appellants: M/s Ajay Thakur, Krishna Chandra, P. K.Sinha, Advocate

For the Respondents-State: Mr. Prashant Pratap, GP2.

For Respondents 1 to 5: Mr. Sunil Kumar Singh, Advocate.

For Magadh University : Dr. Kumar Amitesh Chandra, Adv.

(In LPA No.1473 of 2014)

For the Appellant/s : Mr. Arun Kumar

For the State : Mr. Prashant Pratap, GP-2

For Respondents 1 to 5: Mr. Sunil Kumar Singh, Advocate.

For Magadh University : Dr. Kumar Amitesh Chandra, Adv.

(In LPA No.1474 of 2014)

For the Appellant/s : Mr. Arvind Kumar Sharma

For the State : Mr. Prashant Pratap, GP-2

For Respondents 31 to 35: Mr. Sunil Kumar Singh, Advocate.

For Magadh University : Dr. Kumar Amitesh Chandra, Adv.

(In LPA No.18 of 2015)

For the Appellant/s : Mr.Yugal Kishore, Sr.Adv.

Mr. Virendra Prasad, Adv.

For the State : Mr. Prashant Pratap-GP-2

For Respondents 35 to 39: Mr. Sunil Kumar Singh, Advocate.

For Magadh University : Dr. Kumar Amitesh Chandra, Adv.

(In LPA No.43 of 2015)

For the Appellant/s : Mr. Yugal Kishore, Sr.Adv.

Mrs. Nutan Sahay, Adv.

For the State : Mr. Prashant Pratap-GP-2

For Respondents 1 to 5: Mr. Sunil Kumar Singh, Advocate.

For Magadh University : Dr. Kumar Amitesh Chandra, Adv.

(In LPA No.17 of 2015)

For the Appellant/s : Mr. Navin Prasad Singh, Adv.

For the State : Mr. Prashant Pratap, GP-2

For Respondents 1 to 5: Mr. Sunil Kumar Singh, Advocate.

For Magadh University : Dr. Kumar Amitesh Chandra, Adv.

(In LPA No.176 of 2015)

For the Appellant/s : Mr. Ajay Kumar Thakur, Adv.

Mr. Krishna Chandra, Adv.

Mr.Pankaj Kumar Singh, Adv.

For the State : Mr. Prashant Pratap, GP-2

For Respondents 1 to 5: Mr. Sunil Kumar Singh, Advocate.



For Magadh University : Dr. Kumar Amitesh Chandra, Adv.
(In LPA No.177 of 2015)

For the Appellant/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Krishna Chandra, Adv.
Mr.Pankaj Kumar Singh, Adv.

For the State : Mr. Prashant Pratap, GP-2

For Respondents 1 to 5: Mr. Sunil Kumar Singh, Advocate.

For Magadh University : Dr. Kumar Amitesh Chandra, Adv.
(In LPA No.267 of 2015)

For the Appellant/s : Mr. Manoj Kumar Singh

For the State : Mr. Prashant Pratap, GP-2

For Respondents 34 to 37: Mr. Sunil Kumar Singh, Advocate.

For Magadh University : Dr. Kumar Amitesh Chandra, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

CAV JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 21-12-2017

Heard the parties.

2. In this batch of Letters Patent Appeals, the appointment of 22 Principals in the constituent colleges of Magadh University is the subject matter of controversy. By the impugned order dated 12.09.2014 passed in CWJC No.9167 of 2012, the learned Single Judge of this Court has been pleased to hold and declare that the Selection Committee constituted by respondent no.7 the Vice-Chancellor, Magadh University, Bodh Gaya for preparation of a combined merit list for appointment of 22 Principals in the constituent colleges of Magadh University suffered inherent infirmities as it was constituted dehorse the mandatory statutory provisions as contained in Section 57 of the Bihar Universities Act, 1976 and the Statutes of University. The combined merit list so prepared has been held to be



full of manipulations and vitiated for the reasons indicated by the learned Single Judge. Further as a consequence of setting aside of the combined merit list the learned Single Judge has quashed the notification as contained in memo no.I Gen(I)548/11/99/GIA/12 dated 02.03.2012 (Annexure-13 to the writ application) and a notification as contained in memo no. I Gen (1)/548/11/100/GIA/12 dated 02.03.2012 (Annexure-14 to the writ application) and the notification vide memo no. I Gen (I)548/11/128/GIA/12 dated 23.03.2012 (Annexure-14/A). Vice-Chancellor of Magadh University was directed to conduct fresh interview and prepare a combined merit list according to merit from amongst those who had applied pursuant to the advertisement dated 25.10.2008 (Annexure-1) strictly in accordance with the relevant Statutes, Rules and Regulations. It has been further directed that the Vice-Chancellor before conducting fresh interview will constitute fresh selection committee, strictly in terms of Section 57 of the University Act read with the provisions of the Clause 7 of the revised Statute dated 30.06.2008 framed by Magadh University.

Brief Facts

3. It is a matter of record that Magadh University, Bodh-Gaya in the State of Bihar published an advertisement dated 25.10.2008 inviting eligible candidates for selection and appointment



against 22 vacancies of the post of Principals in the constituent colleges of the Magadh University. A selection committee was constituted for this purpose. The said selection committee conducted interview of the applicants and a panel was prepared which was also given effect to by appointing the candidates from the said merit list.

4. The preparation of merit list, mode and manner in which it was prepared by the selection committee as also the entire selection of the 22 Principals so appointed came to be challenged before this Court in its Civil Writ Jurisdiction vide CWJC No.17804 of 2009 (Dr. Bimal Prasad Sinha and others Vs. the State) reported in 2011 (1) PLJR 1134. A learned Single Judge of this Court heard the writ application and passed a detailed order discussing the issues raised therein and finally came to a conclusion that the merit list was not prepared in accordance with law, as a result of this finding the appointment of all the 22 Principals was quashed and a direction was issued to the University to follow a fresh selection process after issuing fresh advertisement within six months and till then the appointed Principals were allowed to continue but without independent financial power and subject to control of the respondent University.

5. The decision rendered by the learned Single Judge in CWJC No.17804 of 2009 (Dr. Bimal Prasad Sinha and others Vs. The



State) was challenged in a Letters Patent Appeal giving rise to LPA No.358 of 2011 which was ultimately dismissed vide order dated 05.04.2011. The appellants in the Letters Patent Appeal carried the fight further to the Hon'ble Supreme Court of India in Special Leave Petition (Civil) No.11529-11531 of 2011. The Hon'ble Supreme Court vide its order dated 06.05.2011 (Annexure-4 to the writ application) though dismissed the Special Leave Petitions, but at the same time certain directions were issued to the University which may be quoted hereunder:-

“The Special Leave Petitions are accordingly dismissed with a direction that the University shall make fresh selection from amongst those who had applied pursuant to the advertisement issued on 25.10.2008 strictly in accordance with the relevant Statutes, Rules and Regulations and without being influenced by the directions given by the learned Single Judge in the last portion of the order passed by him.

The University shall complete the process of selection within a period of four months. Till then, the petitioners shall be allowed to continue in their present position. However, it is made clear that this order would not create any equity in favour of the petitioners.”

6. During the intervening period some developments took place leading to quashing of the appointment of Dr. Arvind Kumar, the then Vice-Chancellor of Magadh University in CWJC No.8141 of 2010. The Letters Patent Appeal bearing No.824/11 preferred by Dr. Arvind Kumar was admitted for hearing, but no stay



was granted. He preferred Special Leave Petition (Civil) No.15785/11, but the Hon'ble Supreme Court did not interfere with the order passed by this Court and only directed this Court to hear the case on its own merit and decide the same in accordance with law. Thereafter a notification dated 22.6.2011 (Annexure-8 to the writ application) was issued by the order of the then Hon'ble Chancellor of the Universities of Bihar. Vide this notification the then Hon'ble Governor who was also the Chancellor was pleased to appoint Dr. Arun Kumar (respondent no.7) who was at the relevant time working as Acting Vice-Chancellor in B.N. Mandal University, Madhepura to assume and hold charge temporarily of the office of Vice-Chancellor, Magadh University, Bodh-Gaya and perform all its duties in addition to his own existing duties with immediate effect until 12th August, 2011 or the date of disposal of the Letters Patent Appeal whichever is earlier.

Initiation of fresh selection process

7. In view of the direction as contained in the order dated 06.05.2011 passed by the Hon'ble Supreme Court in SLP No.11529-11531 of 2011, Magadh University was required to initiate a fresh selection process. Dr. Arun Kumar who had been made in-charge Vice-Chancellor acted in exercise of his power under Section 57 (B) of the University Act read with Clause 7 (i) of the amended Statute of



Magadh University vide letter No.BSU-23/2007-2187 GS (1) dated 30.06.2008, constituted a Selection Committee vide memo no.IGen(1) 130/GIA dated 19.07.2011 (Annexure-6 to the writ application). Since this provision of the University Act and the amended Statutes are relevant for the purpose of this case, those are being quoted herein for a ready reference:-

“57(1)- Subject to the provisions of this Act and the provisions of the statute made thereunder appointment to the post of teachers and officers (other than Vice Chancellor, Pro Vice Chancellor, Registrar and the Dean of Faculty) of the University shall be made by the University on the recommendations of the Selection Committee consisting of the following members:-

- (1) The Vice-Chancellor of the University concerned;*
- (2) One member to be nominated by the Chancellor*
- (3) One member to be nominated by the Government*
- (4) Three experts not connected with the University to be nominated by the Vice-Chancellor from a panel of not less than seven names approved by the Academic Council for each post, out of which at least one member should belong to scheduled caste/scheduled tribes and two shall be from outside the State.*
- (5) The head of the department of the discipline concerned.”*

It will also be appropriate to quote Clause 7(i)(a) of the revised Statute:

“7.(i) Composition of the Selection Committee for the post of the Principal (Professor scale/Reader scale) for multiple subject faculty colleges:

- (a) Subject to the provisions contained in the Patna University Act” 1976 (as amended up-to-date) and the Bihar State Universities Act”1976 (as amended up-to-date) all the*



three experts shall be in the rank of University Professor and out of that at least one shall be the Vice-Chancellor/Former Vice-Chancellor/Director/Principal of a constituent college.

The 3 (three) experts in the Selection Committee will be nominated by the Vice-Chancellor from a panel of not less than 10 (ten) experts approved by the Academic Council subject to the following conditions:

- (i) All the three experts shall be from outside the University.*
- (ii) At least one expert should belong to SC/ST community*
- (iii) At least two experts shall be from outside the State.”*

8. It is this constitution of the Selection Committee and the subsequent declaration of combined merit list which are the subject matter of dispute and, therefore, we must first take note of the members of the Selection Committee. The Vice-Chancellor of Magadh University was the Chairman, Professor Shiv Jatan Thakur @ Sheo Jatan Thakur, English Department, Patna University, Patna was a Governor's nominee, R.D.D.E., Magadh Division, Gaya was Member, Government's nominee, Prof. R. Pandey (Prof. R.K. Pandey), Pro Vice-Chancellor, Nilamber Pitamber University, Daltonganj, Palamu was the member, Prof. Victor Tigga, Ex. Vice-Chancellor, S. K. University, Dumka was the member, Prof. Surendra Kumar Brahamchari, Ex Vice-Chancellor, K.S.D.S. University, Darbhanga and Mr. Srikant Sharma, Principal, Gaya College, Gaya were the other members of the Selection Committee. Inclusion of Mr. Srikant Sharma, Principal, Gaya College, Gaya in the Selection



Committee has been the bone of contention.

9. As soon as the Selection Committee was formed by the Acting Vice-Chancellor, Magadh University, Bodh-Gaya and interview was about to begin for the post of 22 Principals one Pramod Kumar Sharma, an Advocate, filed a Public Interest Litigation vide CWJC No.12535 of 2011 challenging the initiation of the selection process, this Court vide order dated 03.08.2011 (Annexure-9 to the writ application) stayed the interview, but against the said order passed by this Court one Praveen Kumar filed S.L.P. No.14775 of 2011. The Hon'ble Supreme Court vide its order dated 07.09.2011 (Annexure-10 to the writ application) passed in S.L.P. No.14775 of 2011 stayed the order passed by this Court and thereby facilitated continuation of the selection process. Since the order passed by the Hon'ble Supreme Court is one of the grounds being canvassed by the appellants in order to persuade this Court not to entertain any challenge to the formation of the Selection Committee and the subsequent action of the Committee in the matter of preparation of the merit list, it would be apt to quote the order of the Hon'ble Supreme Court passed on 07.09.2011 as under:-

“.....permission to file SLP against the order dated 03.08.2011 passed in Civil Writ Jurisdiction Case No.12535 of 2011 “Pramod Kumar Sharma Vs. Chancellor, Magadh University, Patna and others” is granted.

We have heard learned counsel for the petitioner and



perused the record.

We are prima facie satisfied that the Division Bench of the High Court committed serious error in entertaining the writ petition filed by way of Public Interest Litigation questioning the process of selection for appointment of the Principals of 22 constituent colleges of Magadh University and passed an unusual interim order staying the interviews being conducted ignoring that the selection was being held pursuant to the directions given by this Court in SLP (C) Nos.11529-11531/11 “Om Prakash Singh & Ors. Vs. Bimal Prasad Singh & Ors.

Issue notice, returnable in eight weeks, on the special leave petition. Dasti, in addition is permitted. Issue notice on the prayer for interim relief as well. Dasti, in addition, is permitted.

In the meanwhile operation of order dated 03.08.2011 passed by the Division Bench of the High Court in CWJC No.12535 of 2011 shall remain stayed. This would necessarily mean that the process of selection which was initiated pursuant to the direction given by this Court in SLP (C) Nos.11529-11531 of 2011 “ Om Prakash Singh and others versus Bimal Prasad Singh and others” shall continue. The selection must be completed within a period of six weeks from the date of receipt of copy of this order.

We further direct that till the final finalization of selection, the petitioners in SLP (C) Nos.11529-11531 of 2011 shall be allowed to continue in their present position.....”

10. After the aforesaid order was passed by the Hon’ble Supreme Court, the Selection Committee is said to have conducted the interview from 11.10.2011 to 16.10.2011 where 200 and odd candidates were interviewed. Thereafter in the pending SLP before the Hon’ble Supreme Court, a statement was made by the counsel for the



parties that interview for the post of Principals has been completed. Learned counsel for the respondent University made a statement before the Hon'ble Supreme Court that merit list prepared by the Selection Committee has been forwarded to the competent authority and the same is likely to be approved very shortly. In view of the statements made on behalf of the University, the Hon'ble Supreme Court was pleased to pass an order dated 21.11.2011 disposing off the Special Leave Petitions holding the same infructuous. The relevant part of the order passed by the Hon'ble Supreme Court on 21.11.2011 reads as under:-

“ These petitions are directed against interim order dated 03.08.2011 passed by the Division Bench of the Patna High Court in CWJC No.12535 of 2011.

At the hearing, learned counsel for the parties gave out that interviews for the posts of Principal have been completed. Learned counsel for the respondent-University gave out that merit list prepared by the Selection Committee has been forwarded to the competent authority and the same is likely to be approved very shortly.

In view of the above development, the special leave petitions are disposed of as infructuous.

All the Interlocutory Applications are also disposed of as infructuous.”

11. It is stated by the writ petitioners that on 06.01.2012, Acting Vice-Chancellor, Magadh University, Bodh, Gaya prepared a tentative merit list, obtained signature of Dr. Sri Kant Sharma, Dr.Raj



Mukul, State Government nominee and Dr. Shiv Jatan Thakur, Governor's nominee. It was not signed by expert members of the Selection Committee, namely Prof. R. Pandey, Pro Vice-Chancellor, Nilamber Pitamber University, Daltanganj, Palamu, Prof. Victor Tigga, Ex. Vice-Chancellor, S.K. University, Dumka and Prof. Surendra Kumar Brahamchari, Ex-Vice-Chancellor of K.S.D.S. University, Darbhanga. Dr. Shiv Jatan Thakur nominee of Hon'ble Chancellor wrote a letter dated 9th January, 2012 (Annexure-18) whereby he had lodged a strong protest against the manner in which his signature was obtained on the combined merit list for appointment of the Principals in the constituent colleges of the Magadh University. Dr. Thakur alleged criminal breach of trust and manipulation of combined merit list of Principals of Magadh University by some clever maneuvering as according to him he was made to sign under the willful concealment of fact because of his total blindness. Dr. Raj Mukul, R.D.D.E., Education, Magadh Division, Gaya, nominee of the State Government also withdrew his signature from the merit list by writing a letter vide memo no.11 dated 10.01.2012 (Annexure-19 to the writ application). He declared that the signature appended by him over the said list is treated as invalid. His letter as contained in Annexure-19 to the writ application written to the Vice-Chancellor, Magadh University, Bodh-Gaya points out the letter written by Dr.



Shiv Jatan Thakur also while requesting the Vice-Chancellor that no further action may kindly be taken on the basis of that merit list. With all these developments taking place, the Registrar, Magadh University, Bodh-Gaya vide letter dated 17.01.2012 informed all the members of the Selection Committee that a meeting of the Selection Committee for the appointment of Principals of constituent colleges under Magadh University, Bodh Gaya will be held on 20.01.2012 at 11.00 am at Magadh University Guest House at Patna and a request was made to all of them to attend the meeting. The State Government having got information and knowledge of the manipulation of the records by the Acting Vice-Chancellor, Magadh University constituted a committee on 18.01.2012/19.01.2012 headed by I.C. Kumar, Retired I.A.S. and Ex. Vice-Chancellor to enquire and report, but it is stated that the University authority did not cooperate with him and no document was supplied to him for the purpose of enquiry.

12. The aforementioned facts as regards the developments taking place even before finalization of the merit list have been taken note of briefly hereinabove only to notice that as the Magadh University was unable to comply with the order of the Hon'ble Supreme Court to complete the selection process within time frame of six weeks from the date of receipt of the copy of the order dated 07.09.2011, one Bimal Prasad Sinha filed a contempt petition



(C) No.87-89 of 2012 in the Hon'ble Supreme Court. When the said contempt petition was taken up for hearing on 02.03.2012, the Hon'ble Supreme Court passed the following order:-

“Contempt Petition No.87-89 of 2012. There is no urgency in the contempt petition.

List on the date already notified by the Registrar.

IA.No.4-6 of 2012 in SLP (C) No.11529-11531 taken on board.

Interlocutory applications are disposed of by directing the applicant to comply with the order dated 07.09.2011. Sri Amrendra Sharan learned senior counsel appearing for the applicant states that the requisite number of members of the Selection Committee have already signed the proceedings. If that be so, there should be no hesitation in declaring the result of selection.”

13. On the same day, University issued a notification vide memo no.I Gen(1) 548/11/99/GIA/12 dated 02.03.2012 by which the persons named in the notification were appointed as Principals of constituent colleges under Magadh University on the prescribed pay scale. They were directed to join in the office of the Registrar with proper NOC and relieving of employer within 15 days from the date of issuance of the notification. A copy of the notification dated 02.03.2012 is enclosed as Annexure-13 to the writ application. Again on the same day Registrar, Magadh University, Bodh Gaya issued a notification bearing memo no.I Gen(1) 548/11/100/GIA/12 by which the appointment/services of ten members whose names had been



earlier recommended by the Selection Committee and who were appointed vide Magadh University Notification No.VC/RES/65/09 dated 09.06.2009 and VC/RES/27/8/09 were confirmed from the initial date of first appointment itself. A perusal of these notifications contained in Annexure-13 and 14 to the writ application would show that these notifications are said to have been issued pursuant to the directions of the Hon'ble Supreme Court and the directions issued by the High Court in CWJC No.17804 of 2009

Challenge to the notifications dated 02.03.2012 issued pursuant to the fresh selection process.

14. On completion of the fresh selection process and issuance of notifications as contained in Annexure-13 and 14 to the writ application the persons aggrieved therefrom filed a writ application. It appears that as many as four writ applications came to be considered and heard as analogous matters. Lead case being CWJC No.9167 of 2012 (Dr.Arun Kumar Sinha & Ors. Vs. the State of Bihar & Ors.). Before the learned Single Judge as many as six issues were raised on behalf of the petitioners which were contested by the University and private respondents in the writ who have been benefited by the notification impugned in the writ application. The writ application has been allowed by setting aside the impugned notifications. The private respondents in writ are, hence in appeal



before us. While the appellants have assailed the impugned judgment, the private respondents who were the writ petitioners have defended the findings and decision of the learned Single Judge therein. I would thus examine the impugned judgment vis-à-vis the submissions of the appellants in the present batch of appeals.

The learned Single Judge has dealt with the issues arising for adjudication as under:-

(i) Constitution of the Selection Committee

15. The petitioners in the writ applications strongly raised an issue as to the constitution of the Selection Committee by the Vice-Chancellor, Magadh University, Bodh Gaya (respondent no.7) in exercise of his power under Section 57(B) of the University Act read with Clause 7 (i)(a) of the Statute of the Magadh University. It was contended before the learned Single Judge that by virtue of the amendments brought to the provisions of the University Act, the duty of selection and recommendation for the post of Principal of a constituent college was vested with the Bihar State University Constituent Colleges Service Commission and ultimately the same was vested in the selection Committee consisting experts constituted under Section 57 of the University Act. The petitioners claimed that the Vice-Chancellor in temporary charge was obliged to act in terms of Section 57 of the University Act read with Clause 7 (i) (a) of the



Statute and for this purpose he was required to nominate three experts in the Selection Committee from and amongst the names approved in form of a panel by the Academic Council of Magadh University. It is the specific case of the petitioners that the Academic Council has statutory obligation under the provisions of the University Act to prepare and approve the panel of the experts, but instead of performing its statutory function the Academic Council in its meeting held on 05.07.2011 (Annexure-29) vide item no.5 of the agenda abdicated its power and authorized the Vice-Chancellor who was only in a temporary charge for preparation of a panel of experts for the selection committee. It is further case of the petitioners that the Academic council was required to approve the name of ten experts and from that approved list only the Vice-Chancellor could have taken three experts in the Selection Committee. Neither Section 57 of the University Act nor Clause 7 of the Statute of the Magadh University contemplate any delegation of power by the Academic Council in the matter of preparation of panel of experts. Therefore, the case of the petitioners is that in the very first place the Academic Council should not and could not have delegated its power to prepare the panel of experts, to the Vice-Chancellor. It amounts to abdication of power.

16. The petitioners pointed out that from a bare perusal of the provisions as contained under Section 57 of the University Act it



would appear that appointment on the post of Principal was to be made on the recommendation of the Selection Committee consisting of :-

- (i) the Vice-Chancellor of the University concerned;
 - (ii) one member to be nominated by the Chancellor
 - (iii) one member to be nominated by the Government
 - (iv) Three experts not connected with the University to be nominated by the Vice-Chancellor from a panel of not less than seven names approved by the Academic Council for each post, out of which at least one member should belong to scheduled caste/scheduled tribes and two shall be from outside the State
- (V) The head of the department of the discipline concerned.

17. Further Clause 7(i)(a) of the revised Statute of the Magadh University provides that subject to the provisions contained in the Patna University Act, 1976 (as amended up-to-date) and the Bihar State Universities Act, 1976 (as amended up-to-date) all the three experts shall be in the rank of University Professor and out of that at least one shall be the Vice-Chancellor/Formal Vice-Chancellor/Director/Principal of a constituent college. The three experts in the Selection Committee will be nominated by the Vice-Chancellor from a panel of not less than 10 experts approved by the



Academic Council subject to the following conditions:-

- (i) All the three experts shall be from outside the University.
- (ii) At least one expert should belong to SC/ST community
- (iii) At least two experts shall be from outside the State.

18. It was the contention of the writ petitioners that there is nothing on record to suggest that the Academic Council ever approved the panel of ten experts from which Vice-Chancellor has nominated three experts in the constitution of Selection Committee. It was pointed out that even the panel prepared by the Vice-Chancellor pursuant to the authorization of the Academic Council was not placed before the Academic Council and there is no material to show that the panel prepared by the Vice-Chancellor was ever approved by the Academic Council. It was contended before the learned Single Judge that as a consequence of violation of the provisions as contained under Section 57 of the University Act read with the provisions of the Revised Statute the constitution of the Selection Committee is liable to be held bad and it goes to the root of the jurisdiction of the Selection Committee so formed by the Vice-Chancellor in temporary charge to question the correctness of the merit list if any prepared by the illegally constituted Selection Committee. Reliance was placed on



the judgment of the Hon'ble Supreme Court in the case of Dr. Rai Murari Vs. Patna University & Ors. reported in 2011(3) PLJR 92. In the said case, the Hon'ble Supreme Court has considered the procedural aspect in the matter of constitution of the Selection Committee and in paragraph 31 of the judgment the Hon'ble Supreme Court had held as follows:-

“ The question that an Expert Committee knows best is not disputed but the Expert Committee must have legal basis for taking a decision. If the Expert Committee has not been constituted in terms of the Statute or the Expert Committee has been packed with people who are alien since their names have not been recommended from any quarter for being included in the panel, then it was an illegal Expert Committee sans authorization of law and therefore, such a decision of the Expert Committee cannot be treated as legal opinion binding on a Court.”

19. The learned Single Judge has also taken note of the observations of the Hon'ble Supreme Court in paragraph 31 of the judgment in the case of Dr. Rai Murari (supra) and then further relied upon another judgment of the Hon'ble Supreme Court rendered in the case of Navin Kumar Vs. State of Bihar reported in 2011(4) PLJR 170. Paragraphs 10 and 11 of the said judgment have been quoted in paragraph 78 of the impugned judgment/order. The learned Single Judge has also considered the objection to this issue taken on behalf of the University. The contention of the University was that there is



no provision to suggest how the panel of an expert would be prepared and only provision under the Statute is that a prepared panel would be approved by the Academic Council. It was the stand of the University that the panel was prepared by the Vice-Chancellor on the same day, the authorization given by the Academic Council was approved by the Academic Council on that date itself and further the resolution of the Academic Council was approved by the Syndicate in its meeting held on 07.07.2011 vide Agenda II and therefore, the learned Counsel for the University had a submission that there was no lacuna whatsoever in formation of the Selection Committee and it should be presumed that the Selection Committee was duly constituted as per terms of Section 57 of the University Act and Clause 7(i) of the Revised Statute.

20. The learned Single Judge went through the proceedings of 05.07.2011 held by the Academic Council and as a matter of fact found that there was no material to show that the panel prepared by the Vice-Chancellor was ever placed before the Academic Council or that it was approved by the Academic Council, from which the Vice-Chancellor nominated three experts. There is specific finding of the learned Single Judge that record nowhere shows that the panel prepared by the Vice-Chancellor was ever approved by the Academic Council. The conclusion reached by the



learned Single Judge is that the Academic Council had no occasion to examine the prepared list of the experts and therefore, there is violation of the provisions of the University Act and the Statute and the Revised Statute of the University.

21. The learned Single Judge held that if the argument of the University is accepted and the pre-requisite of approval of the name of panel of experts by the Academic Council is ignored or is given a go-bye it will amount to conferring the entire power of recruitment to the Vice-Chancellor and he will be the sole repository of all powers. The learned Single Judge has also pointed out the facts noticed from Annexure-S/2 which shows that the name of the persons were well typed in white sheet and at the end Vice-Chancellor scribed some words and put his signature with date. As a matter of fact, the learned Single Judge came to a conclusion that it gives an impression that the Vice-Chancellor was knowing that he would be authorized to prepare the panel otherwise how did he go for the meeting and at the same time prepare names of the experts for formation of a panel and can claim the names approved by the Academic Council, as has been submitted by the learned counsel for the University. No document was brought on record to show the approval of the Academic Council in respect of the list which was admittedly prepared by the Vice-Chancellor. The learned Single Judge has therefore, answered this



issue in favour of the writ petitioners.

Submissions in Appeal

22. In Appeal before us, once again a contention has been raised that in the present case writ petitioner namely Mr. Vishundeo Rajak, Mr. Vijay Shankar Rai as well as Mr. Arjun Sharma were the members of the Academic Council who have approved the list of panel and in the pleadings of the writ petition they have not stated that the said panel was not approved in the meeting dated 05.07.2011 or they had made any kind of objection at any level. From Annexure-S/1 of the counter affidavit of the University it has been tried to show that in the bottom of the said document word “approved” find mentioned and the only agenda was to approve the panel of the experts. It is contended before us that the Academic Council do not have power to select/recommend the name of the experts and it has only power to approve the said panel of expert of not less than 10 experts which will be placed before it and therefore, the Academic Council has not abdicated its power to anyone for selecting the name of at least 10 experts, on the contrary the Academic Council requested the Vice-Chancellor to place list of experts for its approval and on the same day the said list was placed before the Academic Council which was approved by it and this fact is being supported from Annexure-S/1 and S/2 of the counter



affidavit filed on behalf of the University.

23. I have considered the submissions advanced on behalf of the appellants and have perused the counter affidavit filed on behalf of the University. I am convinced that word “approved” as appearing in the proceeding of the meeting of the Academic Council dated 05.07.2011 is only in respect of the additional agenda item nos.6, 7 and 8. The appellants are making misleading submissions. In this regard it is worth taking note of the fact that in the meeting held on 05.07.2011 the agenda item no.5 says “ to approve the panel of experts for the Selection Committee” against which the Academic Council passed a resolution in the following terms:-

“Resolved unanimously to authorize Hon’ble Vice-Chancellor for preparation of panel of experts for the Selection Committee for appointment of principals/teachers and for promotion of the teachers.”

24. From a bare perusal of the aforesaid resolution passed by the Academic Council as against agenda no.5 it is crystal clear that the resolution is only authorizing the Vice-Chancellor to prepare the panel of experts for the Selection Committee. It nowhere even talks of submission of the said panel before the Academic Council for approval. This clearly shows that the Academic Council had virtually yielded to the influence of the Vice-Chancellor and did not even think of looking into the panel prepared by the Vice-Chancellor in



temporary charge. The resolution nowhere says or talks of approval of any panel prepared by the Vice-Chancellor. As stated above, the word “approved” appearing at the end of the minutes of the meeting held on 05.07.2011 is specifically meant for the additional agenda under different head being agenda item nos.6, 7 and 8. The appellants have only attempted to mislead the court with such submissions.

25. Learned counsel for the appellants has also taken a plea that the constitution of the Selection Committee was not challenged in the writ application. Such submission is being noted only to reject the same because from the statement made in paragraph 28 and 29 of the writ application it is evident that the petitioners have specifically stated that they have come to know that the respondent no.7 who was holding temporary charge of office of Vice-Chancellor and was appointed on 22.06.2012 till 12th August or till disposal of the LPA. The acting Vice-Chancellor Dr. Arvind Kumar, constituted a Selection Committee in utter violation of Section 57(i) and 57(p) of the Bihar State Universities Act and the Statute made thereunder on 30.06.2008. It is also specifically stated in the writ application that the Selection Committee constituted by respondent no.7 is void ab initio on the various grounds stated under paragraph 29 of the writ application. The contention of the appellants that the constitution of the Selection Committee was not challenged in the writ application is



a misconceived kind of submission which has no basis to stand and is liable to be rejected. We do accordingly. Here we also take note of the fact that the Hon'ble Supreme Court while disposing of the SLP on 06.05.2011 had categorically said that the selection process shall be conducted strictly in accordance with the provisions of the Act, Rules and Statutes. Therefore, the appellants as well as the respondent authorities of the University particularly the then Vice-Chancellor who was in a stop-gap arrangement cannot defeat the ground taken by the petitioners as to the constitution of the Selection Committee by taking a bald plea that the constitution of the Selection Committee was not under challenge in the writ application.

26. In view of what has been found by me above, the contention of the appellants as regards the first issue is bound to fail. The learned Single Judge has rightly reached to a conclusion that the constitution of Selection Committee is dehorse to the provisions of the University Act, 1976 and the provisions of revised Statute dated 30.06.2008. I agree with the view taken by learned Single Judge that the constitution of the Selection Committee has got some inherent illegalities which goes to the root of the jurisdiction of such a Selection Committee which is seen as an independent statutory body vested with the powers to conduct the selection of candidates for appointment as Principal of a constituent college.



(ii) Induction of Sri Kant Sharma as a member of the Selection Committee.

27. One of the contentions raised on behalf of the writ petitioners was that the constitution of the Selection Committee was patently and inherently bad inasmuch as in complete violation of the provisions as contained under Section 57(1)(4) as well as 57(1)(5) of the University Act read with Clause 7(i)(b) of the Statute which provides that senior most head of the department/senior most member of a constituent college of the concerned University in the rank of University Professor should be one of the members of the Selection Committee, but Mr.Sri kant Sharma who was not the senior most member or the head of the department was nominated by the Vice-Chancellor as a member of the Selection Committee. It was alleged that Mr.Sri Kant Sharma was nominated on account of his closeness with Dr.Arun Kumar, Vice-Chancellor. It was contended that Dr.S.N.Singh, Dr.Asha Singh, Principal of Arvind Mahila College, Patna, Dr.Haridwar Singh, Principal of A.N.College, Patna, Dr.Madan Murari, Principal of A.N.S.College,Barh, Dr.Baban Singh, Principal of T.P.S.College, Patna and Dr.Vishundeo Vidyarthi were all senior to Mr.Sri Kant Sharma, but instead of nominating one of the seniors as a member of the Selection Committee the Vice-Chancellor deliberately nominated Mr.Sri Kant Sharma de hors and in complete violation of



the Statute.

28. As regards this contention, the University has only offered an explanation for induction of name of Mr. Sri Kant Sharma by producing Annexure-S/8 to its supplementary counter affidavit which is a note prepared by the Registrar on 04.07.2011 informing the Vice-Chancellor that Dr. S.N.Singh is the senior most Principal but charges from Raj Bhawan are pending against him. Mrs. Asha Singh has taken leave to go outside and Dr. Haridwar Singh showed his inability to participate in the Selection Committee due to his preoccupied engagement in NAAC team. The note-sheet Annexure-S/8 however does not talk of other persons namely Dr. Madan Murari, Principal of A.N.S. College, Barh, Dr. Baban Singh, Principal of T.P.S. College, Patna and Dr. Vishundeo Vidyarthi who were all senior but not nominated.

29. The learned Single Judge has taken note of the fact that Dr.Madan Murari was appointed in the year 1988, Dr. Baban Singh and Vishundeo Vidyarthi were appointed on 21.04.1994 whereas Sri Kant Sharma was made Principal with effect from 25.04.1994 vide letter no.859/GIA dated 13.12.1997 (Annexure-17 to the writ application). The learned Single Judge has therefore, come to a conclusion that there is no explanation from the University and no material has been brought on record to show as to why the names of



other persons above Mr. Sri Kant Sharma was not considered. The Court was therefore of the view that the nomination of Mr. Sri Kant Sharma was against the Statute and therefore bad in law which would render the Selection Committee an illegally constituted committee not competent to act in terms of the Statute. It may also be noted that even in the past transactions of selection Sri Kant Sharma had been a constant factor and favourite companion of the then Vice-Chancellor.

Submissions in Appeal

30. In appeal before us, it is contended at this stage by the appellants that Mr. Sri Kant Sharma was a Principal of the constituent college of Magadh University and was in the rank of University Professor. The contention is that as far the seniority of Dr. Madan Murari, Dr. Baban Singh and Vishundeo Vidyarthi are concerned, two persons had already retired and having attained the age of superannuation of 62 years before consideration of the names of the experts, they were fighting litigations for continuance in service for availing the facility of enhanced age of superannuation, which was enhanced to 65 years. The State government had filed appeal against the order of the learned Single Judge and therefore, the ongoing litigation became an impediment for including their names in the panel of experts. Further as regards Dr. Baban Singh it is claimed now that he became Professor on 05.08.1996 whereas Dr. Sri Kant Sharma



became Professor on 02.09.1992 itself i.e. more than four years prior to Dr. Baban Singh and therefore, the action of the University in selecting the name of Dr. Sri Kant Sharma cannot be questioned. It is also contended that the same issue was raised in LPA No.2291 of 2015 and has been answered by the Division Bench.

31. On this issue I have once again given my considerations. It is worth mentioning here that in the present case neither in the counter affidavit nor in the supplementary counter affidavit filed on behalf of the University any explanation has been offered as regards non-consideration of the names of Dr. Madan Murari, Dr. Baban Singh and Dr. Vishundeo Prasad Vidyarthi who were all appointed and made principal prior to Mr. Sri Kant Sharma. Again a misleading statement has been made on behalf of the appellants by pointing out that this issue has been answered in LPA No.2291 of 2015 which arose out of the judgment and order dated 10.12.2015 passed by one of us (Ajay Kumar Tripathi, J.) in CWJC No.19620 of 2014 and other analogous matters. It appears from the records that the said CWJC No.19620 of 2014 came to be heard after disposal of the present writ application being CWJC No.9167 of 2012 and therefore, certain observations and findings of the learned Single Judge in this case were in the judgment and order dated 10.12.2015 on the issue of inclusion of Mr. Srikant Sharma in the Selection



Committee which was constituted for selection of 12 Principals for which a separate advertisement had taken place. The Hon'ble Division Bench while hearing the LPA No.2291 of 2015 arising out of judgment dated 10.12.2015 went through the pleadings in the said writ application and there it was found that in paragraph 10 of the counter affidavit filed on behalf of the University some explanations were also offered as regards non-inclusion of names of Dr. Madan Murari, Dr. Baban Singh and Dr. Vishundeo Vidyarathi. The petitioners in CWJC No.19620 of 2014 had not controverted those statements of counter affidavit. It is because of this pleading specifically stated in the counter affidavit in paragraph 10 of the said writ application which remained uncontroverted the Hon'ble Division Bench held that the reasons for inclusion of the name of Dr. Sri Kant Sharma in the Selection Committee stood explained. I am of the considered opinion that because of the fact that the learned Single Judge in the present writ application while passing the impugned judgment on 12.09.2014 had taken note of the lacuna in the pleadings and particularly non-mentioning of any reason in Annexure-S/8 to the supplementary counter affidavit of the University as to why those senior persons like Dr. Madan Murari, Dr. Baban Singh and Dr. Vishundeo Vidyarathi were ignored, while contesting the writ application being CWJC No.19620 of 2014, the University had



become wiser and learning from the lacuna pointed out by the learned Single Judge in the present impugned judgment, the University improved upon its counter affidavit in CWJC No. 19620 of 2014 which was noticed by the Hon'ble Division Bench in LPA No.2291 of 2015 and because of that pleading a distinction was made out pointing out that "circumstances discussed above do not find mention in the opinion of the learned Single Judge at paragraph 81 to 83 of the judgment passed in CWJC No.9167 of 2012 (Dr. Arun Kumar Sinha & Ors. Vs. The State of Bihar & Ors.)." Now it is crystal clear that in paragraph 81 to 83 of the impugned judgment passed by the learned Single Judge the circumstances discussed in paragraph 10 of the counter affidavit filed in CWJC No.19620 of 2014 from which LPA No.2291 of 2015 arose was rightly not mentioned because at the time of filing the counter affidavit in the present writ application, the University did not come forward with any such or similar explanation either in its counter affidavit or in the supplementary counter affidavit. It is further pointed out that CWJC No.19620 of 2014 arose out of a different advertisement which had its own disputed facts with regard to appointment of 12 Principals in Magadh University. The facts and pleadings in the present case being different from those in CWJC No.19620 of 2014, the judgment rendered by a coordinate Bench of this Court in LPA No.2291 of 2015 is clearly distinguishable and



cannot be taken shelter thereunder by these appellants.

32. I am thus of the view that what is being contended at this stage by learned counsel representing the appellants by offering an explanation for not considering the names of Dr. Madan Murari, Dr. Baban Singh and Dr. Vishundeo Vidyarathi is not based on the pleadings exchanged before the learned Single Judge. I therefore reject this contention of the appellants and would uphold the findings of the learned Single Judge on this point too.

(iii) Dispute as to preparation of the combined merit list and signing thereof by the members of the Selection Committee.

33. The petitioners have seriously questioned the combined merit list as contained in S/13(Annexure-R3/A) on the ground that it is a fabricated and manipulated document. It is stated that from the narration of the facts and events which have emerged in the present case it would appear that final combined merit list was never prepared by the Selection Committee. The allegations of the writ petitioners find support from the affidavit filed by the nominee of the Hon'ble Governor namely Dr. Shiv Jatan Thakur who was a member of the Selection Committee. He in fact appeared before the learned Single Judge and submitted that the combined merit list is nothing but a manipulated document and even went on to say that his signature has been obtained on the said combined merit list on a false



pretext. From the sequence of the dates and the statements made in the counter affidavit of Dr. Shiv Jatan Thakur (respondent no.8) as also another counter affidavit filed by the Government's nominee Dr. Raj Mukul (respondent no.9) it would appear that they have seriously questioned the statement made before the Hon'ble Supreme Court on 21.11.2011 in SLP No.25973 of 2011 and SLP No.27380 of 2011 under which the interim order of stay dated 03.08.2011 passed in CWJC No.12535 of 2011 was challenged. On 21.11.2011 before the Hon'ble Supreme Court learned counsel for the University made a statement that the merit list prepared by the Selection Committee has been forwarded to the competent authority and the same is likely to be approved very shortly. It is the case of the petitioners that the statements made before the Hon'ble Supreme Court was wrong and false statement because on that day there was no combined merit list in existence and question of forwarding the same to the competent authority did not arise.

34. It is stated that the acting Vice-Chancellor, in temporary charge of Magadh University had obtained the signature of Dr. Shiv Jatan Thakur, nominee of the Hon'ble Governor and Mr. Raj Mukul, nominee of the State Government and that of the Sri Kant Sharma. None of the experts in the Selection Committee. Dr. R. Pandey Pro Vice-Chancellor, Nilamber Pitamber University,



Daltonganj and professor Victor Tigga, Ex. Vice-Chancellor, S.K. University put their signatures on the merit list. Dr. Shiv Jatan Thakur wrote a letter on 09.01.2012 (Annexure-18 to the writ application) in which he had stated that his signature had been obtained by manipulation. Dr. Thakur also made allegation of criminal breach of trust and by that letter he had withdrawn his signature. In the same manner, Dr. Raj Mukul, the Government's nominee vide his letter as contained in memo no.11 dated 10.01.2012 withdrew his signature and informed the Vice-Chancellor that his signature appended in the list will be deemed to have been withdrawn. The learned Single Judge has taken note of the fact, which is very important that as per Prof. Shiv Jatan Thakur he had put his signature on 06.01.2012, but the combined merit list Annexure-R3/A does not bear any date. It is also a fact that two members of the expert committee did not put their signatures on the combined merit list. The Registrar of the Magadh University wrote a letter dated 17.01.2012 (Annexure-E to the counter affidavit of the respondent no.10) by which he informed all the members of the Selection Committee that member will sit on 20.01.2012 at Magadh University, Guest House at Patna. They were requested to attend the meeting but before the said meeting could have been held the government received an information regarding adoption of illegal practice in the matter of appointment of Principals in



Magadh University. The State Government constituted an enquiry by appointing Mr. I.C. Kumar, retired I.A.S., to hold an enquiry but the University did not cooperate with him, later on he was substituted by the Commissioner of the Division and ultimately the matter was referred to Vigilance Investigation Bureau vide letter dated 12.07.2013.

35. It has further come in the pleadings and have been taken note of by the learned Single Judge that the Registrar, Magadh University wrote another letter dated 23.01.2012 (Annexure-20 series) to all the members of the Selection Committee and requested them to submit final merit list prepared by them within three days from the date of issuance of the letter, failing which the erring person would be liable to be prosecuted for contempt of court. On a reading of the letter dated 23.01.2012 (Annexure-20 series to the writ application) it would be evident that Registrar, Magadh University admits in his letter making a general statement that despite repeated requests through various means the learned members of the Selection Committee had yet not submitted the merit list prepared by them after conducting interview for the reason best known to them. It is stated in the letter that due to non-submission of the same, the Registrar, Magadh University is not able to comply the order dated 09.07.2011 and undertaking dated 21.11.2011 before the Hon'ble Supreme Court.



In one of the letters addressed to Dr. Shiv Jatan Thakur it is admitted by the Registrar that he had raised certain objections and had withdrawn his signature put on the merit list but still he was asked to submit the merit list prepared by him in order to enable the University to comply with the order of the Hon'ble Supreme Court without prejudice to the rights and contentions to take any recourse to the allegations made by him. He was also threatened that non-submission of the merit list for completion of the selection process of the Principals would amount to defiance the order dated 09.07.2011 and the order dated 21.11.2011 of the Hon'ble Supreme Court which would amount to contempt of court.

36. It further appears from the facts which are part of the pleadings that thereafter Interlocutory Application (Annexure-26) was filed vide I.A. Nos.4-6 of 2012 in SLP No.11529-11531 of 2011. In paragraph 13 of the said I.A. it is stated therein that Sri Victor Tigga and Sri R. Pandey, two of the members who had provided marks by them, unfortunately did not put their signatures on the combined merit list. In paragraph 14 it has been stated that Chancellor's nominee wanted to withdraw his signature from the proposed recommendation of the Selection Committee, two members had not provided marks awarded by them during the interview but had nonetheless signed on the combined merit list. In paragraph 22 it has been stated that the



combined merit list stood prepared but it could not be notified only on account of the circumstances made hereinabove which are beyond the control of the University. The course of action which now remained open are that the University may be permitted to declare and notify the combined merit list as it stands or the Hon'ble Supreme Court may consider directing a fresh selection exercise to be undertaken by the Selection Committee within a fixed time frame. It is evident from the statement made in paragraph 22 of the I.A. filed before the Hon'ble Supreme Court that the University itself admitted that a tentative merit list stands prepared. The I.A. was listed before the Hon'ble Supreme Court and the Hon'ble Supreme Court passed the following order:-

“ Sri Amrendra Sharan, learned senior counsel appearing for the applicant states that requisite number of members of the Selection Committee have already signed the proceedings. If that be so, there should be no hesitation in declaring the result of selection.”

37. It is apparent from the order passed by the Hon'ble Supreme Court that the Hon'ble Court did not enter into the merit of the allegations and the issues which are subject matter of dispute in the present writ application and the consequent appeals. The letter dated 23.01.2012 written by the Registrar, Magadh University clearly states that member of the Selection Committee who signed the



combined merit list will do so without prejudice to their rights and contentions and recourse available to them. The Hon'ble Supreme Court was given to understand by the learned senior counsel representing the University that requisite numbers of members of the Selection Committee have already signed the proceedings but it was not a fact and on that misleading statement alone the Hon'ble Supreme Court observed that "If that be so, there should be no hesitation in declaring the result of selection." These last words of the order passed by the Hon'ble Supreme Court are very important because at this stage the appellants and/or the University will have to demonstrate that what had been stated in the order passed by the Hon'ble Supreme Court is a complete adjudication of the issues. The learned Single Judge reached a conclusion that the Hon'ble Supreme Court had not entered into the merits of the case and the issues which are subject matter of adjudication here so was still open for consideration.

38. I would agree with the view taken by the learned Single Judge because apparently it appears that the I.A. in the Hon'ble Supreme Court was not contested at that stage because the writ petitioners were not parties to the Special Leave Petition before the Hon'ble Supreme Court and the order was passed only on the information supplied by the learned senior counsel for the University.



Thus, at this stage the appellants cannot be allowed to shut out the writ petitioners-private respondents by making a submission that the entire selection process had been approved by the Hon'ble Supreme Court on merit and the same cannot be agitated or subjected to a challenge after the selection process is over.

39. In course of hearing of the writ applications, Dr. Shiv Jatan Thakur, Dr. Raj Mukul, Dr. R. Pandey and Dr. Victor Tigga who were all members of the Selection Committee filed their respective counter affidavits. Dr. Shiv Jatan Thakur (respondent no.8) has stated in paragraph 7 of his affidavit that the proposed merit list was signed by four members including him but the same was cancelled by a resolution taken by the University Selection Committee in its meeting held on 4th February, 2012 in response to strong objection raised by him vide his letter dated 9th January, 2012. Thereafter no combined merit list was prepared and approved by the Selection Committee above.

40. Mr. Raj Mukul (respondent no.9) has stated that he had remitted the individual marks of the candidates on 19.12.2011 in respect of the interview for the post of Principals in a sealed cover, but thereafter he refused to attend the meeting of the Selection Committee. He has also stated that he had not gone through the record of individual candidate with regard to their academic achievement and



paper publication. Mr. R. Pandey (respondent no.10) in his counter affidavit has stated that he was called upon to participate in the meeting on 04.02.2012, but he had not gone and he has also stated that he had not gone through the record of individual candidate with regard to their academic achievement and paper publication. Dr. Victor Tigga (respondent no.13) in his counter affidavit has stated that he had sent the marks of the candidate during interview which was received by the University authority on 20.12.2011. He has stated that he had not signed on the so called tentative merit list on 06.01.2012 which was notified on 02.03.2012. He has gone to the extent of saying that he had not seen the merit list till 5th July, 2012. He has further stated in paragraph 16 of his affidavit that though he participated in the interview on and from 11.10.2011 to 16.10.2011 but he had not gone through the records of individual candidates with regard to their academic achievements and paper publication which fact he has mentioned in his remarks.

41. Mr. Raj Mukul the government's nominee wrote a letter dated 28.02.2012 to the Registrar of the Magadh University (Annexure-25 to the writ application) in which he has written about the mark sheet of the Selection Committee for the post of Principals which was conducted from 11.10.2011 to 16.10.2011. In his letter he has stated about the tentative merit list which carried only four



signature of the members of the Selection Committee namely Srikant Sharma, Dr. Shiv Jatan Thakur, Vice-Chancellor-cum-Chairman, Dr. Raj Mukul. Dr. Shiv Jatan Thakur objected and withdrew their signatures and in the meeting held on 04.02.2012 had formally resolved that tentative merit list stood cancelled. This letter of Mr. Raj Mukul who was a government's nominee is an important piece of paper which goes to show that the Selection Committee in its meeting on 04.02.2012 had formally resolved that tentative merit list stood cancelled. Thus from the narration of the facts it is evident that up to 28.02.2012 no final merit list was prepared. It has further transpired that though the interview marks were sent by Mr. R. Pandey and Mr. Victor Tigga, but they had not sent any marks with regard to the achievement in academic career and research paper as both of them have stated that they had no occasion to examine the records of the candidates.

42. The learned Single Judge decided to personally examine the original records which were produced by the University. In course of perusal he found that Dr. R.K. Pandey (R. Pandey) who was member of the interview board had specifically stated that "marks based on interview of 20 marks. Academic record and publication not checked by me. Vigilance clearance of candidate should be obtained." In the mark sheet submitted by him it has been stated that he does not



give any marks in research paper.

43. Similarly Dr. Victor Tigga had also not given any marks to any of the candidate in the research paper and academic achievement.

44. Regarding Prof. S.K. Brahamchari the learned Single Judge has found that he had granted the marks in academic performance, but in research paper he had also not granted any marks.

45. Ultimately what transpired from perusal of the documents by the learned Single Judge may be summarized as under:-

(i) Dr. Shiv Jatan Thakur, who was the Hon'ble Governor's nominee in the Selection Committee did not furnish the marks awarded by him. He had though put his signature on the tentative merit list, but within three days he raised a protest vide his letter dated 09.01.2012 addressed to the Vice-Chancellor, Magadh University, Bodh-Gaya and withdrew his signature. Thereafter Hon'ble Governor withdrew his nomination on 27.01.2012 and was pleased to replace Dr. Shiv Jatan Thakur by one Baleshwar Paswan. Prof. Baleshwar Paswan had no occasion either to participate in the interview or to examine the academic records and research papers of the candidates and his nomination made in deference to the facts stated hereinabove.

(ii) Dr. Raj Mukul who was the Government's nominee



also did not furnish marks awarded by him and he also withdrew his signature by writing a letter to the Vice-Chancellor, Magadh University.

(iii) Dr. Victor Tigga did not grant any marks in academic qualification and research paper and had not signed the tentative combined merit list. In the I.A. filed before the Hon'ble Supreme Court this fact was not mentioned on behalf of the University that Sri Victor Tigga did not grant any marks in academic qualification and research paper rather a statement was made that Sri Victor Tigga and R. Pandey, two of the members who had provided marks awarded by them unfortunately did not put their signatures to the combined merit list (paragraph 33 of the I.A. filed in SLP).

(iv) Dr. R. Pandey also did not grant any marks in academic qualification and research paper.

(v) Mr. S. K. Brahamchari granted the marks in academic qualification but in research paper no marks had been given.

(vi) Mr. Sri Kant Sharma had granted marks in academic qualification, but in research paper no marks had been given which is evident from the mark sheet submitted by respective persons.

46. From the noting of the Vice-Chancellor and the letter dated 28.02.2012 written by Mr. Raj Mukul the Government's nominee it is evident that up to 28.02.2012 the tentative merit list was



never finalized, but the Hon'ble Supreme Court while hearing the matter on 02.03.2012 was given to understand that requisite number of the members of the Selection Committee had signed the combined merit list which was not a fact. The facts existing as on that day have been duly mentioned hereinabove and those facts have recorded after going through the records produced by the University.

47. In view of the above findings, the learned Single Judge has come to a conclusion that the appointment of the 22 respondents as Principals of the constituent colleges in Magadh University is on the basis of the tentative merit list which was never finalized and the said document is a doubtful document and raises serious doubts over the combined merit list (Annexure-R3/A). What has been a matter of concern for the learned Single Judge is that in the tentative merit list (Annexure-R3/A) total marks in research paper has been shown against the name of respective persons whereas the documents which have been produced shows a different situation which discloses that no marks was given in research paper. Mr. R. Pandey and Mr. Victor Tigga granted marks only in interview, Professor S.K. Brahamchari, Sri Kant Sharma and Chairman have granted marks in academic performance and interview only. It has also been found that signatures of Prof. Shiv Jatan Thakur at different pages of the combined merit list do not tally with each other which



can be verified from the naked eyes. The learned Single Judge, thus, reached to a conclusion that the notifications as contained in Annexure-13, 14 and 14/A cannot pass the test of legality and hence those are not fit to sustain in the emerging facts and circumstances.

Submissions in Appeal

48. In appeal before us, it is submitted that the combined merit list of the candidates was prepared category-wise on the basis of which results were declared in the light of the direction issued by the Hon'ble Supreme Court. Reference has been made to the statements made in paragraph 30 of the counter affidavit filed on behalf of the University and the documents appended as Annexure-S/12 and S/13 to the supplementary counter affidavit of the University. It has further been submitted that on completion of the interview, five members, out of seven, submitted their marks awarded by them in the interview and thereafter tabulation was done and merit list was prepared in presence of five members. It is stated that the two members who were outsider had already submitted their marks and left for their State, as such merit list was signed by the existing five members who were part of seven members committee and in view of the direction sought from the Hon'ble Supreme Court in the contempt proceeding filed by the candidates for publication of result within the time stipulated by the Hon'ble Supreme Court. I.A. No.4-6 of 2012 was filed stating the



difficulties in publication of final result disclosing the fact that two members had not given their marks and two members had not signed and because of that result had not been published. The Hon'ble Supreme Court vide its order dated 02.03.2012 directed the University "if requisite number of members of the Selection Committee have already signed the proceedings, there should be no hesitation in declaring the result of selection."

49. The appellants have therefore supported the combined merit list.

50. In order to consider the submissions advanced before us, I have gone through the grounds of appeal. The appellants have not taken any ground saying that what has been recorded as a matter of fact on perusal of the records by the learned Single Judge is an incorrect finding of fact. I have noticed hereinabove that the learned Single Judge went through the records produced by the University and the facts which have been taken note of by His Lordship is based on the records. The appellants have not taken any ground that those facts are contrary to the records produced by the University. The appellants have assailed the impugned judgment on the ground that the learned Single Judge has erred in testing the wisdom of the experts on the strength of unfounded allegations of an ousted member but to me what appears from the perusal of the records and the view taken by



the learned Single Judge is that the learned Single Judge has not at all questioned the wisdom of the experts as alleged, what has been found by the learned Single Judge is that despite there being no award of marks in research paper by some of the members of the Selection Committee and despite there being no submission of the marks awarded by some of the members, a tentative combined merit list was prepared, how is it possible to award marks to the candidates in the combined merit list in some papers when the committee members have not provided the marks to those candidates. One thing is apparent that even though some of the members had not provided the marks a combined merit list which was a kind of tentative combined merit list was prepared.

51. The appellants have placed reliance on the statements made in paragraph 30 of the counter affidavit of the University. Paragraph 30 of the counter affidavit filed on behalf of the University is only a vague denial of the statements made in paragraph nos.48, 50, 53, 54, 56, 57, 58, 59, 60, 61 and 62 of the writ application. In these paragraphs of the writ application the petitioners have categorically stated that on 02.03.2012 a false statement was made in the Hon'ble Supreme Court that requisite numbers of members of the Selection Committee had already signed the proceedings. It is stated that as a matter of fact two experts namely Sri R. Pandey, Pro Vice-Chancellor



and Professor Victor Tigga, Ex. Vice-Chancellor never signed the selection panel and Mr. Raj Mukul and Prof. Shiv Jatan Thakur had already withdrawn their signatures which were obtained by playing fraud upon them and the only members left were respondent no.7, Prof. Surendra Kumar Brahamchari and Dr. Srikant Sharma. Even merit list so signed by the respondent no.7, Raj Mukul and Shiv Jatan Thakur and Dr. Srikant Sharma was declared to have stood cancelled by the Selection Committee in its meeting held on 04.02.2012. Further asking for interview marks from Raj Mukul, Government's nominee on 27.2.2012 by Registrar is indicative of the fact that no selection panel was finalized by the Selection Committee till that date. In my opinion on the face of the specific statements made in paragraph 48 of the writ application the response of the respondent University saying that those are wrong and false statements or that those are not correct and hence denied are not sufficient and it has to be taken as a vague and evasive kind of statement. There is no specific denial of the fact that two expert members had never signed any merit list and further there is no denial that even so called merit list on which Dr.Shiv Jatan Thakur, Sri Raj Mukul and Dr. Srikant Sharma had signed stood cancelled by the Selection Committee in its meeting held on 04.02.2012. Again there is no denial of the statements made in paragraph 50 of the writ application that no meeting of the Selection



Committee for preparing and approving the final merit list in presence of two experts was ever held.

52. Further a perusal of the statements made in paragraph nos.53, 54, 56, 57, 58, 59, 60, 61 and 62 of the writ application would show that there are specific pleadings alleging that the respondent no.7 had made appointment without any valid panel prepared by the Selection Committee. The petitioners were not supplied the panel because it was withheld by the respondent no.7 malafidely and appointment had been notified. Even the attempts made by the petitioners to know the selection result were frustrated because the respondent no.7 did not provide the selection result to them. One of the petitioners applied for getting information under RTI Act, but the respondent nos.7 and 8 withheld information regarding result of the selection. It is further pleaded that on 02.03.2012, notification of appointment of 22 Principals was issued and they were asked to submit their joining in the University Headquarter within 15 days and there was order to keep them on probation of two years, but on the same day by another notification services of ten were confirmed which according to the petitioners goes to show that the respondent University authorities were working arbitrarily.

53. In paragraphs 56, 57 and 58 of the writ application the petitioners have pleaded with reference to the I.A. No.4-6 of 2012



in SLP filed before the Hon'ble Supreme Court. It has been pleaded that from the letter of the Registrar dated 23.01.2012 it would appear that the selection panel was to be approved by the Syndicate of the University, but no selection panel was approved by the Syndicate. In my opinion these specifically pleaded facts in the writ application have not been specifically answered and not controverted by the respondent authorities in their counter affidavit. It is well settled in law that a vague denial is no denial and hence I would reject the contention of the appellants that a valid combined merit list of the candidates was prepared by the Selection Committee on the basis of which the results were declared. So far as reliance placed on Annexure-S/12 and S/13 of the supplementary counter affidavit filed on behalf of the University is concerned, those documents are to be seen in the light of the facts which have transpired hereinabove. The learned Single Judge had perused the records and rightly came to a conclusion that the combined merit list has shown marks obtained in research paper out of total marks of 09 despite there being categorical endoresemnt by the two experts that they had not provided any marks in the academic performance or the research paper and they had only provided marks in interview. Dr. Shiv Jatan Thakur and Sri Raj Mukul the other two members of the Selection Committee had not made available even marks awarded by them to the candidates in



interview and therefore there was no basis to prepare the combined merit list by showing marks obtained in academic performance and the research papers. Moreover as has been found from the records that the Selection Committee in its meeting held on 04.02.2012 had already cancelled the so called merit list on which Dr. Shiv Jatan Thakur and Sri Raj Mukul are said to have signed. Further it has been held as a matter of fact that after 04.02.2012 there was no meeting of the Selection Committee in presence of the two experts for preparation and finalization of the combined merit list, if this is the position emerging from the records, then sanctity of the combined merit list appended as Annexure-S/12 and Annexure-S/13 is definitely a matter of serious doubt which causes reasonable belief in the mind of a reasonable person that these combined merit list of the candidates are not based on their true and correct evaluations. I would also notice the statements made in paragraph 51 of the writ application, which reads as under:-

“That it is stated the cut off marks in academic performance of selected 8 principals in general category is 55 of Dr. Om Prakash Singh Respondent no.26 followed by 58 of Jawahar Prasad Singh, respondent no.20. Petitioner no.1 has to his credit 66 marks in academic performance and petitioner no.2 has to his credit 61 marks in academic performance with three Research Paper Publications in referred Journal with I.S.S.N. Code qualifying for 9 marks and well-performed interview. Petitioner no.1 and 2 has an definite edge over Dr. Om Prakash Singh (55), Dr. Jawahar



Prasad Singh (58), Dr. Rajesh Shukla (60), Dr. Puspendra Kumar Verma (61), Dr. Anand Kumar Singh (64) and Dr. Kumar Rajeev Ranjan-respondent no.26, 20, 18, 19, 17 and 16 respectively, these respondents have either no publications in referred journal with I.S.S.N. Code or lesser number of publications. Manipulation on extraneous consideration in awarding marks arbitrary by respondent no.7 on publication and/or interview is the only cause of their selection. Similar cases of Dr.Deepak Kumar (68), Dr. Maheshwar Prasad Trivedi (67), Dr. Sri Kant Sharma (67), Dr. Achuta Nand Singh (64) and forty others having more than sixty marks in academic performances have been ignored.

It is further stated that similarly the cutoff marks in academic performance in BC I (EBC) category is 54 of Dr. Sunil Suman-Respondent no.31 followed by Dr. Dilip Kumar (56)-Respondent No.28 and Raj Kumar Majumdar (57)-Respondent No.21. Petitioner no.5 has to his credit 57 marks in academic performance with three research publication in referred journal with I.S.S.N. Code and excellent performance in interview. Favouritism on extraneous consideration in awarding marks in arbitrary way on publication and interview by Respondent No.7 was real cause of their selection and appointment. Cases of other competent candidates such as Dr. Anil Kumar Mandal (64), Dr. Abdul Lais (63), Dr. Satish Narayan Lal (60) and Dr. Hari Narain Thakur (60) has also been ignored by Respondent no.7 for selection and appointment of Dr. Satish Chandra (63), Dr. Samsul Islam (60), Dr. Satyendra Prajapati (58) and Dr. Ganesh Mahto (58).

It is further stated that in S.C. category also, manipulations for selection of few chosen candidates on extraneous consideration has been made by respondent no.7. The cutoff marks in academic performance is 49 of Dr. Mrs. Sushila Das having no publication in referred journal while



petitioner no.4 has to his credit 49 marks in academic performance and three research publication in referred Journal with ISSN Code and excellent performance in interview also but arbitrary award of marks in publications and interview resulted in her selection and appointment. Similar cases of competent candidates such as Dr. Raj Kumar Madhukar (60), Dr. K.K. Baitha (56) and Jai Ram Das (55) were thrown out of consideration.

It is also submitted that manipulated selection panel itself does not follow the rule of reservation. The panel was prepared category wise instead of combined one to favour the desired candidates. Had a combined manipulated selection panel been prepared some of the candidates from BC-I and S.C. category would have been placed in General Category such as Dr. Satish Chandra (63), Dr. Shamshul Islam (60) and Dr. Satyendra Prajapti (58) of B.C.-I and Dr. Vijai Rajak (59) of S.C. Category replacing Dr. Rajesh Shukla (60), Dr. Puspendra Kumar Verma (61), Dr. Jawahar Prasad Singh (58) and Dr. Om Prakash Singh (55) and petitioner no.4 and petitioner no.5 might have been place in S.C. & B.C.(I) category list.”

54. In denial to the said statements, the University has made following statements in paragraph 31 of its counter affidavit:-

“That, in reply the para-51 of the writ petition, it is stated that the petitioners have not submitted the correct figure related to the academic career of the selected candidates, the merit list was prepared by the selection committee keeping in mind, the marks awarded in the academic career, research papers and also performance before the interview Board. It is also pertinent to mention that the selection committee also kept in mind, the suitability of a candidate for the post of principal. The allegation that the rule of reservation has been



not followed is also a false allegation. In this context, it is pertinent to mention that separate list of different categories were prepared as per the provision of the act and the statute and the reservation policy was duly followed and therefore, the petitioners are only trying to create confusion with the intent to misguide this Hon'ble Court by raising issue, which are unfounded and baseless."

55. On a reading of the reply provided by the University I have no hesitation in holding that the specific instances of favouritism and nepotism shown to the candidates named therein by manipulation of the result for extraneous considerations are writ large and these facts are definitely corroborative facts to hold and declare that entire selection process was vitiated and hence cannot be approved. The reply is totally vague and evasive.

(iv) Whether Vice-Chancellor in temporary charge had power to discharge all duties of a regular Vice-Chancellor.

56. The learned Single Judge has discussed the issue in detail and ultimately came to a conclusion that the respondent no.7 while working as Vice-Chancellor in temporary charge had power to act as a regular Vice-Chancellor. Thus no distinction can be made between the duties to be rendered by an Acting Vice-Chancellor and a regular Vice-Chancellor. I would not detain myself on this issue because this is not the subject matter of the Letters Patent Appeal. Writ petitioners have not filed any cross appeal challenging the decision of the learned Single



Judge on this point and hence it should be taken as concluded and final.

(v) Award of marks by the Selection Committee

57. One of the issues raised before the learned Single Judge was that those persons who had poor performance in academic career, have been granted higher marks in the interview whereas those who were excellent in the academic career were granted poor marks with a view to accommodate the candidates. The learned Single Judge has very cautiously answered this issue keeping in mind that the court cannot substitute wisdom of the Selection Committee. The learned Single Judge has noted that:-

“the Court while exercising the power of judicial review does not substitute its judgment for that of the legislature or executive or their agents as matter lies within the province of either, and that the court does not supplant the feel of the expert by its own review. In all such cases judicial examination is confined to find out whether the findings of fact have a reasonable basis on evidence and whether such findings are consistent with the laws of the land. The Court can interfere when the findings are perverse and basis of assessment is de hors to the statute and the action is irrational on the thread of wednesbury unreasonableness. Meaning thereby the decision is so outrageous in defiance of its logic or on all accepted material and standard no reasonable person who had applied his mind to the



question to be decided would have arrived it.” The learned Single Judge has referred the relevant paragraphs 27 and 28 of the judgment rendered by this Court in CWJC No.13083 of 2012 (Diwakar Paswan and others Vs. the State of Bihar and others) and has also relied upon the judgments of the Hon’ble Apex Court in the case of **Union of India Vs. S.B. Vohree reported in 2004(2) SCC 150, Sri Sitaram Sagar Mill Vs. Union of India reported in 1990(3) SCC 223, Than Singh Nathmal Vs. Union of India reported in AIR 1964 SC 1419, Heinz India Private Ltd. and another Vs. State of Uttar Pradesh reported in 2012 (5) SCC 443, School Examination Board Vs. Subhash Chandra Sinha reported in AIR 1970 SC 1269.**

58. Having taken note of the abovesaid propositions of law, the learned Single Judge only scrutinized the manner and mode of conduct by the Selection Committee in granting marks in the interview and quoted some examples. It would be just and proper to quote the relevant paragraph 110 of the impugned judgment in order to depict a complete view of the facts floated by the learned Single Judge who ultimately arrived at a conclusion that the marks were not granted in proper and fair manner. Rather person having good academic qualification were marginalized and the person who did not have a good academic career in order to accommodate them were given very handsome marks in interview. Paragraph 110 of the



impugned judgment reads as under:

“110. In the present case this Court has examined the persons who have been declared selected having been given marks in the interview. It will be appropriate to scrutinize the manner and mode adopted in granting marks in the interview as for an example Dr. Mahesh Prasad Trivedi, application no.88 having 67 marks in academic career has been given 7 marks in interview. One Dr. Narendra Kumar, application no.194 having 65 marks in academic career has been given 9 marks in interview and Dr. Poonam, application no. 231 having 62 marks in academic career has been given 12 marks in interview. Admittedly those persons have better academic career than to Dr. Rajesh Sukla, application no.67 having 60 marks in the academic career and in interview he was granted 17 marks. Similarly Pushpendra Kumar Verma, application no.67 having 61 marks in academic career was granted 15 marks in interview, whereas Sri Jawahar Prasad Singh, application no.106 and Dr. Om Prakash Singh, application no.206 both had identical marks of 58 in academic career and both were granted 17 marks in interview. Trend of marks shows, persons having good academic career have been subdued and persons having poor academic performance were allowed advantageous marks. Earlier occasion also the Court has found this anomaly and that was one of the ground for quashing the selection. As the present selection is shrouded with mystery as combined merit list shows marks in research paper when no marks was granted by any of the expert and there is allegation of malafide in the matter granting marks as well as in as well as in the manner interview was conducted and combined merit list was prepared. Two persons did not sign the combined merit list. Those two persons namely, Dr. Thakur and Dr. Raj Mukul did not furnish marks and later on have withdrawn their signatures. In that circumstances the manner the interview was conducted and marks were granted,



does not inspire any confidence and this Court is of the view that the manner entire thing was conducted and the manner the marks were granted no prudent person can inspire faith supplemented by the charges that have been leveled by Dr. Thakur consolidates the view of irregularities/illegality committed in the manner marks were granted to the candidates. On conspectus whole spectrum this Court is of the view that the marks were not granted in fair and proper manner rather person having good academic qualification they were marginalized as well as the person did not have a good academic career in order to accommodate they were given very handsome marks in interview. This issue goes in favour of the petitioners and decided against the respondents.”

Submissions in Appeal

59. In appeal before us, a contention has been raised on behalf of the appellants that the learned Single Judge was not justified in imposing his wisdom over and above the wisdom of the members of the Selection Committee and the award of marks cannot be questioned and could not have been questioned by the learned Single Judge. I am afraid the contentions of the appellants are not well founded. The learned Single Judge has only scrutinized the mode and manner in which marks were awarded. His Lordship was always keeping in mind the **Laxman Rekha** and has never gone into the question of award of marks. The learned Single Judge has only taken note of the marks awarded to the few candidates and then found the pattern on which the marks were awarded. This contention of the



appellants has no basis to stand and hence, the same is hereby rejected.

(vi) Application of the Principles of Acquiescence and Estoppel in the matter of selection process.

60. The private respondents and the University raised an issue before the learned Single Judge by way of submission that once the writ petitioners have participated in the selection process without any prejudice or demur they cannot be allowed to turn around and challenge the entire selection process. A submission has been made that the petitioners would be estopped from raising such plea by virtue of plea of estoppel and acquiescence.

61. The learned Single Judge has while examining the issue kept in mind that when the selection was made by the Commission aided and advised by experts having technical experience and high academic qualification in the specialist field, probing teaching/research experience in technical subjects, the courts should be loath to interfere with the opinion expressed by experts unless there are allegations of mala fides against them. Reference in this regard has been made to the case of Basavaiah (Dr.) Vs. Dr. H.L. Ramesh & Ors. reported in (2010) 8 SCC 372. Further the learned Single Judge has referred the judgment of the Hon'ble Supreme Court in the case of K.A. Nagmani Vs. Indian Airlines and others reported



in (2009) 5 SCC 515 where Hon'ble Supreme Court in paragraph 54 has held that the candidate having participated in the selection process along with contesting respondents without any demur or protest cannot be allowed to turn around and question the very same process having failed to qualify for promotion. The learned Single Judge held that in those cases where the propositions to this effect as referred above were laid down, there was no inherent defect in constitution of selection committee or the Selection Committee was constituted de hors the provisions of law or that a farce was played out. Further the learned Single Judge held that in the present case most of the members of the Selection Committee were themselves raising question of authenticity and correctness in giving marks in interview. It has been noticed by the learned Single Judge that the allegations were so grave that the government had to order an investigation by the Vigilance.

62. As a matter of fact it has been held by the learned Single Judge that in the fact situation of the present case where constitution of the Selection Committee was not known to the public rather it was confined to the knowledge of some individuals and the allegations are of biasness and favoritism and which have been supported by some members of the Selection Committee and where the combined merit list was never finalized, the persons who have



participated in the interview cannot be stopped from challenging the selection process. Reliance in this regard has been placed on the judgment of the Hon'ble Supreme Court in the case of Raj Kumar and others Vs. Shakti Raj and others reported in (1997) 9 SCC 527. Paragraph 16 of the said judgment which has been quoted by the learned Single Judge is once again quoted herein for a ready reference:-

“16. Yet another circumstance is that the Government had not taken out the posts from the purview of the Board, but after the examinations were conducted under the 1955 Rules and after the results were announced, it exercised the power under the proviso to para 6 of 1970 Notification and the posts were taken out from the purview thereof. Thereafter the Selection Committee was constituted for selection of the candidates. The entire procedure is also obviously illegal. It is true, as contended by Shri Madhava Reddy, that this Court in Madan Lal V. State of J & K and other decisions referred therein had held that a candidate having taken a chance to appear in an interview and having remained unsuccessful, cannot turn round and challenged either the constitution of the Selection Board or the method of selection as being illegal; he is stopped to question the correctness of the selection. But in this case, the Government have committed glaring illegalities in the procedure to get the candidates for examination under the 1955 Rules, so also in the method of selection and exercise of the power in taking out from the purview of the Board and also conduct of the selection in accordance with the rules. Therefore, the principle of estoppel by conduct or acquiescence has no application to the facts in this case. Thus, we consider that the procedure offered under the 1955 Rules adopted by the Government or



the Committee as well as the action taken by the Government are not correct in law.”

63. The learned Single Judge has further quoted paragraph 9 of the judgment rendered by the Hon’ble Supreme Court in the case of The Chancellor & Anr. Vs. Dr. Bijayananda Kar & Ors. reported in (1994) 1 SCC 169. Paragraph 9 of the said judgment is quoted hereunder once again :-

“9. This Court has repeatedly held that the decisions of the academic authorities should not ordinarily be interfered with by the courts. Whether a candidate fulfils the requisite qualifications or not in a matter which should be entirely left to be decided by the academic bodies and the concerned selection committees which invariably consist of experts on the subjects relevant to the selection. In the present case Dr. Kar in his representation before the Chancellor specifically raised the issue that Dr. Mohapatra did not possess the specialization in the „Philosophical Analysis of values“ as one of the qualifications. The representation was rejected by the Chancellor. We have no doubt that the Chancellor must have looked into the question of eligibility of Dr. Mohapatra and got the same examined from the experts before rejecting the representation of Dr. Kar.”

64. The learned Single Judge having taken note of the aforementioned judgments and the fact situation of the present case further observed that when the Selection Committee was constituted illegally against the provisions of Section 57 of the University Act read with Clause 7(i) of the Statute, the question of application of principles of estoppel and acquiescence against the unsuccessful



candidate will not be applicable because there will be no estoppel against the Statute.

Submissions in Appeal

65. In appeal before us, the appellants have once again repeated the arguments which in my opinion have been duly answered by the learned Single Judge. It is well settled that there cannot be any estoppel against the Statute. In the present case, it has been categorically held by the learned Single Judge as well as by me hereinabove that the constitution of the Selection Committee was per se illegal and the same has been found to be contrary to the provisions of the Universities Act and the Statute of the Magadh University. It has also been found that opinion relating to the constitution of the Selection Committee and the illegality perpetuated in this regard and what happened in the Academic Council's meeting on 05.07.2011 were not known to the writ petitioners and therefore it cannot be argued against them that they have submitted themselves to the Selection Committee being fully aware of the facts now being alleged in the writ application. There is no such pleading on the part of the University and its authorities and the appellants that the manner in which the Selection Committee was constituted had been notified by any means for the aspiring candidates like writ petitioners. Thus neither the principle of estoppel nor the principle of acquiescence



shall apply in the facts of the case.

66. Before the learned Single Judge as well as before us the appellants have once again attempted to argue that the combined merit list was published after taking approval of the Syndicate and hence this Court was not required to interfere with the result so published. While arguing to justify the publication of the result it has also been argued that doctrine of “defacto theory” would come to the rescue of the respondent University and appointees. The learned Single Judge has held that doctrine of defacto theory would not be applicable as the very constitution of the Selection Committee has been found to be bad because it was constituted dehors the provisions of the University Act and the Statutes framed by the Magadh University and against the said Selection Committee there are serious allegations of malafide, favoritism and thus the allegations are serious in nature to the extent of causing reasonable belief and are subject matter of investigation by the Vigilance Investigation Bureau.

67. In my opinion, the learned Single Judge is correct in taking a view that doctrine of defacto theory would not be applicable in the fact situation of the present case. Similarly, if the constitution of the Selection Committee and the procedures adopted by the said committee have been found to be wrong and de hors the Statute which has force of law, the contention of the appellants that the result had



been published after taking approval of Syndicate has got no merit and cannot be said to be a decisive factor to wash off the entire illegality right from constitution of the Selection Committee till the publication of the result in the present case.

68. Much have been argued by the appellants saying that by entertaining Special Leave Petition against the interim order dated 3.8.2011 passed in CWJC No.12535 of 2011, the Hon'ble Supreme Court has approved the entire selection process, with reference to the order dated 7.9.2011 passed in SLP(C)No.14775/11 (Annexure-10 to the writ application), the order dated 21.11.2011 (Annexure-11 to the writ application) and the order dated 2.3.2012 (Annexure-12 to the writ application), the appellants have audacity to argue that whatever may be the illegality and seriousness of the allegations of malafide in preparation of the combined merit list, all have been cured by virtue of the orders passed by the Hon'ble Supreme Court. I am of the considered opinion that such kind of pleas taken by the appellants are itself indicative of the malafides because they are trying to take advantage of the order of the Hon'ble Apex Court without appreciating that the Hon'ble Supreme Court had not considered the issues as to illegality in constitution of the Selection Committee and the process and procedures adopted by the Selection Committee in the matter of preparation of combined merit list. The Hon'ble Supreme



Court had stayed the order of the High Court being prima-facie satisfied that the High Court had erred in entertaining the writ petition filed by way of public interest litigation questioning the process of selection for appointment of the Principals of 22 colleges of Magadh University. After passing the order on 7.9.2011 when the matter was taken up on 21.11.2011 before the Hon'ble Supreme Court, the Hon'ble Apex Court was made to understand by dishonest kind of statement of the University that the interviews have been completed and the merit list prepared by the selection committee has been forwarded to the competent authority and the same is likely to be approved very shortly. The Hon'ble Supreme Court never expressed any opinion on the merit of the constitution of the selection committee and/or on the selection process adopted by the selection committee. On 2.3.2012 when the Hon'ble Apex Court was informed that requisite numbers of members of the Selection Committee have already signed the proceedings, the Hon'ble Apex Court only said "if that be so, there should be no hesitation in declaring the result of selection." Even then the University was not honest and truthful in stating the fact before the Hon'ble Supreme Court.

69. The learned Single Judge has rightly concluded that the Hon'ble Apex Court's order does not disclose that the Hon'ble Court had gone into the merits of the case and nowhere the Hon'ble



Apex Court has dealt with the merit of the case, therefore, the orders referred by the appellants are the orders without touching the merit and those orders are based on information furnished to the Hon'ble Apex Court by way of submissions made at the bar. Thus the learned Single Judge held that it cannot be said that this Court cannot adjudicate this case. I am in full agreement with the view taken by the learned Single Judge and objection raised by the appellants on this issue is equally liable to be rejected.

70. In view of the discussions and considerations given hereinabove, I am of the considered opinion that the appellants have miserably failed in making out any ground to interfere with the impugned judgment passed by the learned Single Judge. The findings of facts recorded by the learned Single Judge on perusal of the records produced by the University have not been challenged on any good and cogent ground. The judgment impugned in the present appeal does not suffer from any illegality and infirmity.

71. In result, all these Letters Patent Appeals have to fail. The farce of the selection which has been played out at the behest of the erstwhile acting Vice-Chancellor can not be allowed to be sustained. All the appointments on the post of Principal are set aside and the Vigilance Department, Govt. of Bihar must complete the enquiry/investigation initiated by it on the direction of the State Govt.



and the guilty be brought to book. Selection on public post must be fair, equitable and above board or else it violates the Constitutional guarantee of Article 14 and 16. A Court cannot be a mute spectator to a sham or farce exercise of selection in the public domain. Every person in authority must maintain utmost probity in conduct and honesty in exercise of power in public domain or else the Constitutional guarantee will remain dead letter.

72. All the LPAs are dismissed.

(Rajeev Ranjan Prasad, J)

**I Agree.
Ajay Kumar Tripathi, J.-**

(Ajay Kumar Tripathi, J)

Arvind/-

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