

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1753 of 2016

IN

Civil Writ Jurisdiction Case No. 11162 of 2016

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Manoranjan Kumar, son of Late Bharat Choudhary, resident of at 3/2, R.A.U.
Pusa Campus, P.S.- Pusa, District- Samastipur.

.... Appellant/s

Versus

1. Rajendra Agriculture University, Bihar, Pusa, Samastipur, through its Registrar.
2. Vice Chancellor, Rajendra Agricultural University, Bihar, Pusa, Samastipur.
3. The Faculty Development Committee through its member. Secretary, Rajendra Agricultural University, Pusa, Samastipur.
4. The Dean College of Agricultural Engineering, Rajendra Agricultural University, Pusa, Samastipur.
5. Dr. Rajendra Prasad Central Agricultural University, Pusa, Samastipur, through its Registrar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Abhinav Srivastava, Advocate
For the University : Mr. Arvind Ujjwal, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date: 06-12-2017

Learned counsel for the appellant is granted leave to implead Dr. Rajendra Prasad, Central Agricultural University through its Registrar as well as Registrar, Dr. Rajendra Prasad, Central Agricultural University, Pusa, Samastipur in course of the day.

Mr. Arvind Ujjwal accepts notice on their behalf.

Heard learned counsel for the appellant and the State respondent university. The decision dated 23.08.2016 of Single Judge bench rendered in C.W.J.C. No. 11162 of 2016 is under challenge in this appeal.



The learned Single Judge has opined that if the decision under the faculty augmentation or development scheme lays down parameters and there is no scope of subjectivity, such decision making should be left to the authorities of the university who know best and, since he did not find any element of irrationality or arbitrariness in the decision making process, the writ petition was dismissed.

Learned counsel for the appellant has submitted that he being represented by the Farm Machinery Department was admittedly under the deficiency area as identified by the Dean and there was no reason why the sixth person was not given benefit for career enhancement, i.e. the appellant who was at serial No. 6 in the merit list.

Be that as it may, we do not find any reason to interfere in this matter today. This exercise began in the year 2015 and now appellant may get another chance by applying afresh.

However, before parting with the matter, we must indicate that while considering the case of the appellant, it is expected that the concerned competent forum would be required to adhere to the guidelines which have been framed for the said purpose since it is the case of the appellant that though he was entitled and the seat remained vacant, but he was not granted benefit. It is expected that



fresh exercise would be made soon for the said purpose.

Accordingly with the aforesaid modification in the order impugned, this appeal stand disposed of.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

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