

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17689 of 2017

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1. Bhavana Panthi, Daughter of Gauri Shankar Panthi, Resident of B/46, Godavari Green Vidisha, Police Station-Dehat Thana Vidisha, District-Vidisha (Madhya Pradesh), Pin 464001, At Present C/o Niper, Hazipur, Department of Pharma Co Informatics, District-Vaishali (Bihar).
 2. Venkateshwaran, Son of Thamarai Selvan S, Resident of Plot No. 47, Ashok Nagar Extn. Dadukkottai, Tamilnadu, District-Pudukkottai, PIN 622001. At Present C/o Niper, Hazipur, Department of Pharma Co Infoemactices, District-Vaishali (Bihar)
- ... Petitioners

Versus

1. The Union of India through Managing Director, National Institute of Pharmaceutical Education and Research (In Short "NIPER), Ministry of Chemicals & Fertilisers, Department of Pharmaceuticals, New Delhi.
 2. The Managing Director, National Institute of Pharmaceutical Education and Research, Ministry of Chemicals & Fertilisers, Department of Pharmaceuticals, New Delhi.
 3. The Project Director, National Institute of Pharmaceutical Education and Research, hajipur, At & Post Office-EPIP Campus, Industrial Area, Hazipur, Police Station-Hazipur Town District-Vaishali (Bihar),
 4. The Deputy Registrar, National Institute of Pharmaceutical Education and Research, Hajipur, At & Post Office-EPIP Campus, Industrial Area, Hazipur, Police Station-Hazipur Town, District-vaishali (Bihar) ... Respondents
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Appearance :

For the Petitioners	:	M/S Dr. Harendra Kumar Singh and Ram Naresh Sharma, Advs.
For the Respondents	:	Mr. Rajesh Kumar Verma, CGC

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 19-03-2018 In view of the stand taken by the respondents in paragraph 11 of the counter affidavit, the Court finds no substance in the grievance of the petitioners. Paragraph 11 of the counter affidavit, in fact, takes care of the entire grievance of the petitioners, which is quoted for ready reference :

“11 : That with regard to para 7 of the Writ Petition it is submitted that Dr. Mukesh Chourasia was engaged on n eed basis and on contractually as



a Senior Lecturer in the Department of the institute, was not understood competent enough by the Competent Authority to supervise the Petitioner in their research works. As a result, the proposal for Dr. Mukesh Chourasia was not approved by the Director as he holds position below Assistant Professor, which is mandate to become advisor to a research student.

Additionally, it is submitted that as per **NIPER's Recruitment Rules of Faculty (NIPER Act, 1998 – clause – 4)** only those candidates will be eligible for the appointment of Assistant Professor (Pharmacoinformatics) should have Ph.D. with First Class or equivalent grade at the preceding degree M.S. (Pharm)/M.Pharm/M.Sc. with good academic record throughout and at least 5 (five) years' of teaching/research/industrial experience with published work of high quality. It is submitted that Dr. Mukesh Chourasia who is presently working as Senior Lecturer (Contractually) has no requisite qualifications at Master Degree level. He is M.Sc. applied Biochemistry with **58.75%** (i.e., not first class) from Jiwaji University, Gwalior in 2001 and completed his Ph.D. in Biochemistry (Computational Biology) from IICT, Hyderabad, Osmania University in 2010.

However, in absence of competent authority in the Department of Pharmacoinformatics at NIPER, Hajipur to supervise the petitioners,



Project Director of the Institute and Director of the Mentor Institute facilitated them (petitioners) to continue their research works till suitable faculties are appointed in the Institute under the experienced and senior scientist of the Mentor Institute **Advisor**, Dr. Vahab Ali, Scientist – E, RMRIMS, Patna and H.o.D, Pharmacoinformatics, NIPER, Hajipur, and Dr. Mukesh Chourasia, Senior Lecturer, Pharmacoinformatics, NIPER, Hajipur, as **Joint Advisor**, but both the petitioners refused the order of the Director. It is submitted that advertisements were published for engagement of faculties/non-faculties. However, in the meantime, the Project Director was asked to stop the recruitment process by the Director (NIPERs), Department of Pharmaceuticals, Ministry of Chemicals and fertilizers, Govt. of India for the reason of complaint received regarding the appointments from different sections. Secondly, resignation of Dr. Sachchidanand was made known to the Ministry. The Ministry issued a circular letter dated: 02nd June 2017 revoking Steering Committee meeting to all NIPERs. Subsequently, the Ministry vide its letter no. 5701 1/1/2010 – NIPER (VoL.II), dt. 24th July, 2017 advised to fill up one or two posts of faculty on need basis. As a result, the Institute advertised vacancies for contractual engagement of Associate Professor and Assistant Professor in the Departments of Pharmacoinformatics and Pharmacy Practice. Last



date for submission of applications was extended till 15th September, 2017, as the recruitment processes of faculties is under process.

In view of the aforesaid, the writ application is disposed off with the direction to the respondents to stand-by their stand taken in paragraph 11 to the counter affidavit, quoted above, and will not cause any hindrance in the matter of research activities of the petitioners.

(Anil Kumar Upadhyay, J)

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