

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4155 of 2014

In

Civil Writ Jurisdiction Case No.2103 of 2009

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1. Dr. Gajendra Prasad Son of Sri Nakchhedi Das Resident of At + Post - Dibra Bazar, P.S. - Barhara Kothi, District - Purnea
 2. Dr. Ram Sewak Singh S/o Late Satya Narayan Singh Resident of At and Post - Professor Colony, Sahebganj, P.S. - Nathnagar, District - Bhagalpur
 3. Shankar Paswan Son of Late Janak Paswan Resident of Indrapuri Colony, P.S. - Hajipur, District - Vaishali
 4. Dr. Pramod Bhartiya Son of Late Manik Prasad Yadav Resident of Thakurganj, P.S. - Thakurganj, District - Kishanganj

... .. Petitioner/s

Versus

1. The T.M. Bhagalpur University, Bhagalpur through its Registrar, namely Dr. M.G. Mustafa
2. The Vice Chancellor, T.M Bhagalpur University, Bhagalpur, Namely Dr. R.S. Dubey
3. The State of Bihar, through the Principal Secretary, Education Department, Govt. of Bihar, Patna, namely Mr. R.K. Mahajan, I.A.S.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Advocate
For the University	:	Mr. Shailendra Kumar Singh, Advocate
For the State	:	Mr. Jay Prakash, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 07-03-2018

Inter alia contending that an order passed by a Bench of this Court in C.W.J.C. No. 2103 of 2009 and various other cases on 08.09.2011 have not been complied with, this application has been filed.

The order passed by this Court on 08.09.2011 reads as under:-

“In the facts and the circumstances of the case, C.W.J.C. No. 2103 of 2009 is allowed.



Impugned notification dated 29.9.2008 (Annexure-5) is quashed. The Vice-Chancellor and Registrar of Tilka Manjhi Bhagalpur University are directed to re-initiate the selection process, as provided under the revised statute and the amended Section 57(1) of the Act.

C.W.J.C. No. 12195 of 2009 is dismissed.”

Now, from the counter affidavit filed by the University, particularly Paragraph 3 thereof, it is seen that the University has constituted the Scrutiny Committee and the Selection Committee for reinitiating the process of selection of 18 Principals for the constituent colleges under the University and advertisement has been issued for 24 posts of Principals to be filled up within a reasonable period of time. It is stated that now in view of the above, the contempt proceedings be dropped.

Sri Purushottam Jha, learned counsel argues that the order was passed in the year 2011 and it is now after so many years that it is being implemented.

Learned counsel for the University points out that after orders were passed in the writ petition, the University had to take action. The matter was referred to the State Government for necessary approval. Thereafter for filling up the post after the approval of the Higher Education Department, the matter



was examined by the Public Service Commission and it is only after approval of the Public Service Commission that the steps have been taken for issuing the advertisement and filling up of the post. It is stated that all these took time and the delay is the cumulative effect of all these factors, the same being neither deliberate nor intentional but due to administrative constraint and an unconditional apology has been submitted for the acts of commission and omission.

Taking note of the totality of the circumstances and the fact that the process has now been initiated, this Court does not deem it appropriate to proceed further in the matter. The University is expected to conclude the process of selection at an earlier date. Accepting the apology of the University and the compliance reported, the matter stands disposed of.

(Rajendra Menon, CJ)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	12.03.2018
Transmission Date	

