

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4783 of 2017

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1. Babban Singh, Son of late Raghunath Singh, Resident of Village-Barahmpur, P.S. Delwa, District Patna.
 2. Binod Prasad Singh, Son of late Shyam Bujhawan Singh, Resident of Village-Rasalpur, P.S. Dhanarua, District Patna.
 3. Lalan Rai, Son of late Ramdhari Rai, Resident of Village-Mangaulpur, P.S. Jalalpur, District Chapra.
 4. Laxman Mandal, Son of Later BNaun Mandal, Resident of Village-Pahi, P.S. Sarsopati, District Madhubani.
 5. Rita Kumari, Wife of Janardan Hembram, Resident of house of Ram Tahal Mistri, Ward mo. 48, Kachari Gali, Bhikhna Pahari P.S. Sultanganj, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department, of Education, Bihar, Patna.
2. The Principal Secretary, Department, of Education, Bihar, Patna.
3. The Director, Higher Education, Bihar, Patna.
4. The Patna University, Patna, through its Registrar.
5. The Vice Chancellor, Patna University, Patna.
6. The Registrar, Patna University, Patna.
7. The Principal, Patna Law College, Patna.
8. The Principal, Science College, Patna.
9. The Principal, Patna Training College, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Arvind Kumar, AC to GP-23
For Patna University : Mr. Digvijay Singh, Advocate
Mr. B.J. Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 01-05-2018

Heard learned counsel for the petitioners, State as well as University.

Learned counsel for the petitioners submits that the petitioner has been treated arbitrarily and discriminatory in the matter of regularization.



Learned counsel for the University submits that the issue raised in the present writ application is squarely covered by the decision dated 22.03.2018 in C.W.J.C. No. 2873 of 2017. In that case, the representation of the petitioners was pending and as such this Court disposed of the writ application with a direction to the Vice-Chancellor, Patna University to take final decision on the representation.

In the present case, the fact is different. Way back in 2005, advertisement was published for appointment on several posts and thereafter examination was held, but no result was published.

Learned counsel for the petitioner submits that once the University has invited application by publishing advertisement in the newspaper, the University was required to take selection process to its logical end, as inviting application is not an empty formality and public relation exercise. The University has not published the result, they are required to assign the reason for closing the selection process in the mid way.

In view of the above, the petitioners are granted liberty to file exhaustive representation within a period of one month from today along with a copy of this order to the Vice-Chancellor of the University and the Vice-Chancellor of the University is required to decide the representation filed by the petitioner within a period of



60 days from the date of filing of such representation. While taking decision, the respondent University is required to take final decision in the light of the judgment of the Apex Court in the case of **Secretary, State of Karnataka And others vs. Umadevi and Others**, reported in (2006) 4 SCC 1 and clarified by the subsequent judgment in the case of **State of Karnataka & Ors. vs. M.L. Kesari & Ors.**, reported in **(2010) 9 SCC 247**.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.05.2018
Transmission Date	

