

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1330 of 2009

Sudhir Kumar, son of late Bal Krishna Prasad Yadav, resident of village +
P.O. Ranipatti, P.S. Kumarkhand, District- Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar through its Chief Secretary, Old Secreariat, Patna
2. The Secretary, Human Resource Development Department,
Government of Bihar, Patna
3. Bihar State University (Constituent Colleges) Service Commission
through its incharge-cum- Deputy Secretary, Department of Human
Resources, Government of Bihar, Patna
4. The Chancellor, Universities of Bihar, Raj Bhawan, Patna
5. The Patna University, Patna through its Registrar.
6. The Vice-Chancellor, Patna University, Patna
7. The Magadh University, Bodh Gaya through its Registrar, P.S. Bodh
Gaya, District- Gaya
8. The Vice-Chancellor Magadh University, Bodh Gaya, P.S. Bodh Gaya
District- Gaya
9. The Vir Kunwar Singh University, Ara through its Registrar, P.S. Ara,
Nawada, District Bhojpur
10. The Vice Chancellor, Vir Kunwar Singh University, Ara P.S. Ara,
Nawada, District Bhojpur
11. The B.R. Ambedkar University, Muzaffarpur through its Registrar
12. The Vice Chancellor, B.R. Ambedkar University, Muzaffarpur
13. The L.N. Mithila University, Darbhanga through its Registrar,
14. The Vice Chancellor, L.N. Mithila University, Darbhanga
15. The Tilka Manjhi University, Bhagalpur through its Registrar
16. The Vice-Chancellor, Tilka Manjhi University, Bhagalpur
17. The B.N. Mandal University, Madhepura through its Registrar
18. The Vice Chancellor, B.N. Mandal University, Madhepura
19. The J.P. University, Saran (Chapra) through its Registrar
20. The Vice-Chancellor, J.P. University, Saran (Chapra)

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.
For the State	:	Mr. Neeraj Raj, AC to GA-8
For Patna University	:	Mr. Digvijay Singh, Advocate
		Mr. B.J. Jha, Advocate
For Magadh University	:	Dr. Kumar Amitesh Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 31-08-2018

Learned counsel for the petitioner fairly submitted that
the issue involved in the present writ petition was also subject



matter of CWJC No. 1822 of 2006 and a Co-ordinate Bench on consideration of the entire materials has passed order on 23.3.2018, relevant part of which is quoted below for ready reference:-

“ I have heard learned counsel for the parties and I have perused the records and I do abide by my opening observation that these petitioners have been subjected to unfortunate situation for even after having succeeded in a selection process, their appointments yet remain a paper transaction. Even though the argument of Mr. Priyadarshi in reference to the case of some of the appointees who did not even form the part of select list, were below the petitioner on marks but were given appointment under the orders of Chancellor does persuade me to dispose of the matter accordingly but the principles underlying judicial propriety and judicial discipline prohibits me from doing so and the reasons lie in the earlier orders passed in LPA No. 904 of 2006 and LPA No. 995 of 2006 whereby the Division Bench set aside the judgment and order of the Single Judge passed in CWJC No. 3736 of 2006 filed by a similarly situated applicant who had been similarly recommended for appointment in a University now situated in the State of Jharkhand. Although the said applicant succeeded before



the Single Judge but in appeal the judgment was reversed by the Division Bench and which opinion of the Division Bench stands affirmed by the Supreme Court.

As discussed, these orders have been fairly enclosed by learned counsel at annexures 9, 10 and 11 of the supplementary affidavit and in such view of the matter and despite taking notice that some of the candidates have derived benefit on orders of remand, the same issue having attained finality in the order of the Supreme Court, prohibits this Court from recording any other opinion.

For the reasons so discussed and despite saving my sympathy for these petitioners, this Court has nothing to offer for the judgments recorded in the earlier round of litigation can only lead to an order of dismissal and accordingly the batch of writ petitions are dismissed.”

In view of the above, the present writ petition is also dismissed.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.09.2018
Transmission Date	

