

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.4160 of 2018**

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Diwakar Yadav, S/o Sri Sargun Prasad Yadav, resident of Mohalla- 306/400  
Rajbanshi Nagar, P.S.- Shastri Nagar, Dist.- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The Principle Secretary Science and Technology Department Government of Bihar, Patna.
3. The Principle Secretary, Education Department Government of Bihar, Patna.
4. The Director Science and Technology Department Government of Bihar, Patna.
5. The Director, Higher Education Department Government of Bihar, Patna.
6. The Chancellor of Universities of the State of Bihar, Patna.
7. The Arya Bhatt Knowledge University Mithapur, Patna, through its Registrar.
8. The Vice Chancellor, Arya Bhatt Knowledge University Mithapur, Patna.
9. The Registrar Arya Bhatt Knowledge University Mithapur, Patna.
10. The Bihar Public Service Commission, Jawaharlal Neharu Marg, Patna.
11. The Chairman, Bihar Public Service Commission, Jawaharlal Neharu Marg, Patna.
12. Rakesh Kumar Singh, Son of Sri Jawahar Prasad Singh, Resident of Kasamra, P.S.- Dhamdaha, Distt.- Purnea at present posted as Assistant Professor in Centre for Nano Science and Nano Technology in Arya Bhatt University, Mithapur, Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Diwakar Yadav ( In Person )  
For the Respondent/s : Mr. LALIT KISHORE -AG

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date: 20-03-2018**

The petitioner a practicing Advocate of this Court has  
filed this writ petition and challenged the appointment of respondent  
no. 12 on the post of Assistant Professor in Arya Bhatt University,  
Mithapur, Patna.

Challenge to the appointment is made on the ground that



the respondent does not hold the requisite qualification which are needed by the University Grants Commission. Even though it was emphasized that the petition has been filed for seeking *quo warranto* but the matter pertains to recruitment on the post of Assistant Professor in the University. It is a service dispute and in view of the law laid down by the Supreme Court in case of ***Bholanath Mukherjee vs. Ramkrishna Mission Vivekanand Centenary College [(2011) 5 SCC 464*** and the judgment of the Delhi High Court in the case of ***Forum of SC and ST Legislators and Parliamentarians vs. ONGC & Another*** (WP (C) No. 1698 of 2017 decided on 27.02.2017), we are not inclined to interfere into the matter.

The writ petition is disposed of in view of the above with liberty to the aggrieved person to challenge the appointment in accordance with law.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

mrL/-

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| AFR/NAFR          | NAFR       |
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