

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.620 of 2018

In
Civil Writ Jurisdiction Case No.20417 of 2016

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Swati Gupta D/o Yogendra Kumar Gupta, C/o Joint Registrar, Central University of South Bihar, Patna B.I.T. Campus, P.O.- B.V. College, Patna.

... .. Appellant/s

Versus

1. The Union of India through the Secretary, Human Resources Department, Government of India, New Delhi
2. The Secretary, Human Resources Development Department, Education Department, Government of India, New Delhi
3. The Central University of South Bihar through its Registrar, B.I.T. Campus, P.O. B.V. College, Patna
4. The Vice Chanellor, Central University of South Bihar, B.I.T. Campus, P.O. B.V. College, Patna.
5. The Joint Registrar, Central University of South Bihar, B.I.T. Campus, P.O. B.V. College, Patna.
6. The Deputy Registrar, Central University of South Bihar, B.I.T. Campus, P.O. B.V. College, Patna.
7. The Dean School of Education, Central University of South Bihar, B.I.T. Campus, P.O. B.V. College, Patna
8. The Executive Council, Central University of South Bihar, B.I.T. Campus, P.O. B.V. College, Patna.
9. The Selection Committee, through the Chairman cum the Vice Chancellor, Central University of South Bihar, B.I.T. Campus, P.O. B.V. College, Patna
10. The National Council for Teachers Education (NCTE) through Regional Director, NCTE, Eastern Regional Centre, Bhubneshwar (Orissa)
11. Dr. Shambhavi Kumari, W/o Dr. Ranveer Batsa, Resident of C/o Prof. Jaya Prakash Narayan Jha, Sipahi Tola, P.S. Khajanchi Haat, District Purnia Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Alok Kumar Agrawal, Advocate
For the University : Mr. S.D. Sanjay, Senior Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-05-2019



Heard Shri Alok Kumar Agrawal, learned counsel for the appellant, Shri S.D. Sanjay, learned senior counsel for the University and Dr. Shambhavi Kumari in person. The matter had been adjourned yesterday to enable the private respondent to address the Court.

2. The contention of the private respondent is that even if the appeal has become infructuous, she having fought the battle up to this Court has not been able to get any substantial relief, and to the contrary, it is the appellant who came to be benefited due to this litigation.

3. The second contention of the private respondent is that even otherwise the selection process which is being adopted by the University is not only defective but is also not in consonance with the settled principles of the selection process for which the contention raised is that certain favoured candidates who are close to the selection committed have been given the benefit of selection.

4. Having examined the contentions and keeping in view the fact that the tenure for which the dispute had arisen and was on a contract basis has already come to an end with certain more developments, as noted in our order dated 15.05.2019, there is no room left for any relief to the appellant in the present



case and the appeal has been rendered infructuous.

5. So far as the grievance of the private respondent is concerned with regard to any selections or the process of selections having been adopted or any violation of rule, it is open to the said respondent to represent before the Vice Chancellor of the University who shall consider the same and pass appropriate orders in accordance with law.

6. The costs awarded by the Court shall be paid over to the private respondent Dr. Shambhavi Kumari through a Bank Draft.

7. The appeal is accordingly disposed of with the aforesaid direction/observation.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-

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CAV DATE	
Uploading Date	17.05.2019
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