

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18723 of 2021

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Akhilesh Kumar Singh S/o Sri Ram Bhajan Singh R/o - Village - Chini Mill,
Ward no. - 24, P.O. - Gajadharganj, P.s. - Buxar Mufassil District - Chini Mill
Ward no. - 24, P.O. Gajadharganj, P.S. - Buxar Mufassil District - Buxar
presently working as Guest Assistant Professor / Lecturer on ad hoc basis in
Saharsa College of Engineering, Saharsa, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Science and Technology, Bihar, Patna.
2. The Principal Secretary, Department of Science and Technology, Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Bihar, Patna.
4. The Joint Secretary, Department of Science and Technology, Bihar, Patna.
5. The Special Secretary, Department of Science and Technology, Bihar, Patna.
6. The Director, Department of Science and Technology, Bihar, Patna.
7. The Principal, Saharsa College of Engineering, Saharsa, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Manoj, Adv.
For the Respondent/s : Smt. Archana Meenakshee (Gp6)

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

4 17-10-2022

1. Heard the parties.

2. The petitioner by way of this writ petition has challenged the action of the respondents in issuing an advertisement for inviting applications for filling up Guest Faculty in the subject of Management apart from other subjects. It is his contention that he is duly selected Guest Faculty Member in the subject of Management and in his place, the respondents want to appoint another Guest Faculty Member,

while the petitioner is not being allotted classes. After preferring of this writ petition, a supplementary affidavit has been filed by the petitioner stating that the respondents have not acted upon the advertisement published on 06.10.2021, as the interviews were scheduled for 23.10.2021, which have not taken place in the subject of Management and no one has been appointed as guest faculty in the subject of Management and the petitioner continued to remain as Assistant Professor Guest Faculty in the subject of Management in Saharsa College of Engineering.

3. Keeping in view above, learned counsel submits that since the advertisement has become otiose and has not been acted upon in the subject of Management, he may be left free to challenge any new action which the respondents may take in filling up the post by Guest Faculty in place of the petitioner, if needs so arises.

4. Learned counsel for the respondents wants time to take instructions.

5. In the opinion of this Court, since the advertisement (Annexure-3) published on 06.10.2021 mentions of interviews to be held of Guest Assistant Professor in the subject of Management on 23.10.2021, and no interviews were conducted, the said advertisement has been rendered otiose. No new

advertisement has been issued for the said subject.

6. Thus, the writ petition has become infructuous so far as the challenge to the advertisement dated 06.10.2021. However, if any new development takes place or any new advertisement is issued, the petitioner is left free to take up all available remedies in law with regard to the same. The petitioner continues to remain as a Guest Faculty Assistant Professor in subject of Management, and therefore, no orders are required to be passed in the present case.

7. The writ petition is disposed of as having become infructuous with liberty to file fresh, if need so arises.

(Sanjeev Prakash Sharma, J)

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Item no.3

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