

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.334 of 2022

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Pankaj Suman son of Sri Kameshwer Prasad Singh, resident of Village-
Kurwa Jahangirpur Sham, P.O.- Desri, P.S.- Desri, District- Vaishali, Bihar-
844504.

... .. Petitioner/s

Versus

1. The Hon'ble Chancellor of Universities, Bihar through the Secretary,
Governor's Secretariat, Raj Bhawan, Patna- 800022
2. The State of Bihar through its Chief Secretary, Old Secretariat, Patna-
800015
3. The Additional Chief Secretary, Education Department, Government of
Bihar, Vikas Bhawan, Bailey Road, Patna- 800015.
4. The Additional Chief Secretary, Social Welfare Department, Government of
Bihar, Old Secretariat, Rajbansi Nagar, Patna- 800015.
5. The Joint Director (Headquarters), Social Welfare Department, Government
of Bihar, Old Secretariat, Rajbansi Nagar, Patna- 800015.
6. The Aryabhatta Knowledge University, Mithapur, Patna- 800001, through
the Registrar, Aryabhatta Knowledge University, Mithapur, Patna- 800001.
7. The Vice- Chancellor, Aryabhatta Knowledge University, Mithapur, Patna-
800001.
8. The Registrar, Aryabhatta Knowledge University, Mithapur, Patna- 800001.
9. The Accountant General (Audit), Office of the Accountant General (Audit),
Mahalekhakar Bhawan, Beer Chand Patel Path, Patna- 800001.
10. Kumari Anjana wife of Sanjay Sinha resident of Flat No.- 205, Hirakund
Apartment, Kadamkuan, P.O.- Kadam Kuan, P.S.- Kadamkuan, Patna-
800003, presently posted as Deputy Registrar, Aryabhatta Knowledge
University, Mithapur, Patna- 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Advocate
For the Respondent/s : Mr.Smt. Shilpa Singh (G.A.12)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the
Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 13-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“i. For issuance of an appropriate writ, order or direction in the nature of a writ of mandamus or any other appropriate writ, such as a writ of Quo Warranto, or order or direction to the Vice-Chancellor of Aryabhatta Knowledge University, Patna, for setting aside the impugned notification no. 356, dated 08.10.2013 (Annexure-3) whereby and whereunder the Respondent No. 10, viz. Kumari Anjana, was appointed to the Post of Deputy Registrar on the ground that, on the date of submission of her application to the post of Deputy Registrar, Aryabhatta Knowledge University, Patna, pursuant to Advertisement No. 003/Admn./661-023/AKU/2011, dated 19.08.2011, she did not possess and satisfy the eligibility criteria regarding the minimum experience required for the said post, that is ‘minimum 9 years of experience as an Assistant Professor in Grade pay of Rs. 6000 or its equivalent OR 5 years of experience as an Assistant Registrar in a Higher Educational Institutes/University’, and also on the ground that she was working as a Child Development Project Officer (CDPO) under the administrative control of the Social Welfare Department, Government of Bihar, with her grade pay of Rs. 4800 (carried in the pay band of Rs. 9300-34800), which was lower than the requisite ‘Grade pay of Rs. 6000’ to make the application.

ii. For issuance of an appropriate writ, order or direction to the Respondent No. 7, the Vice-Chancellor and the Respondent No. 8, the Registrar of Aryabhatta Knowledge University, Patna, for recovery of the salary paid by the University to the Respondent No. 10 during the

period from her date of joining onwards, on the ground that her appointment is prima-facie illegal, null and void, and also against the settled principles of law.

iii. For issuance of an appropriate writ in the nature of mandamus or any order or direction to the Respondent No. 7, the Vice-Chancellor, and the Respondent No. 8, the Registrar, Aryabhata Knowledge University, Patna, to withdraw all work from the Respondent No. 10 during the pendency of this writ petition.

iv. For issuance of an appropriate writ, order or direction to the Respondent State of Bihar to issue necessary directions to all the administrative departments to conduct a preliminary scrutiny for its objective satisfaction of the fact that a Government servant prima-facie satisfies and possesses the eligibility criteria of the higher post as published in the advertisement prior to forwarding of the application form for selection and appointment to the higher post of the concerned Government servant, in order to avoid, in future, the wastage of the precious time of the Hon'ble Court in the matter of determination of the question as to whether he (the concerned Government servant) satisfied and possessed the eligibility criteria of the post as published in the advertisement.

v. For issuance of a declaration to the effect that the Respondent No. 10, viz. Kumari Anjana, is not fit to hold any post in the service of the State of Bihar, or in any University within the State of Bihar, on the ground that she deliberately made applications without equivalent eligibility criteria and misrepresented facts relating to her eligibility for the said position.

vi. Any other relief or reliefs which may be deemed fit and proper by the Hon'ble Court in the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned i.e. **(Respondent No. 1, the Hon'ble Chancellor of Universities, Bihar through the Secretary, Governor' s Secretariat, Raj Bhawan, Patna- 800022)** or any of the statutory authority to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose

it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits. All issues are left open;

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	