

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1556 of 2015

In
Civil Writ Jurisdiction Case No.8597 of 2010

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1. Dr. Jawahar Lal, working as Principal, D.K. College, Dumraon
 2. Dr. Navin Kumar, working as Principal, G.B. College, Ramgarh
 3. Dr. Kanhaiya Prasad Sinha , working as Principal, S.B.College, Ara.
 4. Dr . Shailendra Kr. Ojha, working as Principal J. L. N. College, Dehri - On - Sone

... .. Appellant/s

Versus

1. Veer Kunwar Singh University, Ara through its Registrar
2. Vice Chancellor, Veer Kunwar Singh University, Ara
3. Chancellor, Raj Bhawan, Patna
4. The State of Bihar, through the Secretary Higher Education, Human Resources Development Department
5. Dr. Anil Kumar Singh, working as Principal, S.V.P. College, Bhabua
6. Dr. Lalit Sagar, working as Principal. J.J. College, Ara
7. Dr. Janeshwar Singh , working as Principal, H.D. Jain College, Ara
8. Dr. Himanshu Sharma, working as Principal, M.M. Mahila College, Ara
9. Dr. Satish Narayan Lal, working as Principal, A.S. College, Bikramganj
10. Dr. Abha Singh, working as Principal, Rohtas Mahila College, Sasaram
11. Dr. Raj Kumar Madhukar, working as Principal, S.N. College, Shahmal Kairadeo
12. Dr. Rajendra Prasad Singh, working as Dean Student and Welfare, V.K.S. University, Ara.
13. Dr. Narendra Kumar, R/o Flat No. 203, Servakunj Apartment, Mahesh Nagar, P.S.- Patliputra, Patna, District - Patna
14. Dr. Mithilesh Kumar Pandey, S/o Sri Radha Mohan Pandey, Professor and Head, Deptt. of Botany, Maharaja College , Ara and resident of Mohalla - Maharajahata, P.O. and P.S. Nawada Ara, District - Bhojpur

... .. Respondent/s

with
Letters Patent Appeal No. 1567 of 2015
In
Civil Writ Jurisdiction Case No.8597 of 2010

1. Dr. Raj Kumar Madhudar and Ors Son of Late Mishri Rajak Working as Principal, Resident of Mohalla - New Gangoli, Thakurbari Road, Kali Sthan, Dalmiya Nagar, P.S. Dehri - On - Sone, District - Sasaram



2. Dr. Satish Narayan Lal Son of Late Shivnarayan Lal, Working as Principal, Resident of Mohalla - Alkapuri, P.S. Gardanibagh, District - Patna
3. Dr. Narendra Kumar Son of Sahdeo Narayan Singh Resident of Flat No. 203, Servakunj Apartment, Mahesh Nagar, P.S. Patliputra, Patna District - Patna

... .. Appellant/s

Versus

1. Veer Kunwar Singh University, Ara through its Registrar
2. The Vice - Chancellor, V.K.S. University, Ara
3. The Chancellor, Raj Bhawan, Patna
4. The State of Bihar through Secretary Higher Education , Human Resources Development Department, Govt. of Bihar, Patna
5. Dr. Mithilesh Kumar Pandey Son of Shri Radhamohan Pandey, Professor and H.O.D. of Botany, Maharaja College, Ara Resident of Mohalla - Maharaja Hata, P.O. P.S. Nawada Ara , District - Bhojpur
6. Dr. Anil Kumar Singh then Working as Principal, S.V.P. College, Bhabua
7. Dr. Lalit Sagar, Principal J.J. College, Ara, At Present Associate Professor, Department of Geography.
8. Dr. Jawahar Lal the then Working as Principal D.K. College, Dumraon
9. Dr. Janeshwar Singh, the then Working as Principal H.D. Jain College, Ara, Retired
10. Dr. Himanshu Sharma then Working as Principal, M.M. Mahila College Ara.
11. Dr. Navin Kumar the then Working as Principal G.B. College, Ramgarh, At Present M.V. College, Buxar
12. Dr. Abha Singh, The then Working as Principal Rohtas Mahila College, Sasaram
13. Dr. Kanhaiya Prasad Sinha, the then Working as Principal S.B., College Ara, At Present J.L.N. College.
14. Dr. Rajendra Prasad Singh, the then Working as dean Student Welfare, V.K.S. University, Ara.
15. Dr. Shailendra Kumar Ojha, the then Working as Principal, J.L.N. College Dehri - On – Sone.

... .. Respondent/s

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with

Letters Patent Appeal No. 1715 of 2015

In

Civil Writ Jurisdiction Case No.8597 of 2010

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1. Dr. Abha Singh, at present working as Principal, Rohtas Mahila College, Sasaram (Rohtas).
2. Dr. Anil Kumar Singh, Working as Principal, S.V.P. College, Bhabhua.



3. Dr. Rajendra Prasad Singh, Working as Dean of Student's Welfare, V.K.S. University, Ara. All since

... .. Appellant/s

Versus

1. Dr. Mithilesh Kumar Pandey S/o Shree Radhey Mohan Pandey, Professor and Head Deptt. of Botany, Maharaja College, Ara and resident of Mohalla-Maharajahata, P.O. and P.S. Nawada Ara, District- Bhojpur.
2. Veer Kunwar Singh University, Ara through its Registrar.
3. Vice Chancellor, V.K.S. University, Ara.
4. Chancellor, Raj Bhawan, Patna.
5. The State of Bihar, through the Secretary Higher Education, Human Resources Development Department
6. Dr. Lalit Sagar, Working as Principal J.J. College, Ara.
7. Dr. Jawahar Lal, Working as Principal, D.K. College, Dumraon.
8. Dr. Janeshwar Singh, Working as Principal, H.D. Jain College, Ara.
9. Dr. Himanshu Sharma, Working as Principal, M.M. Mahila College, Ara.
10. Dr. Navin Kumar, Working as Principal, G.B. College, Ramgarh.
11. Dr. Satish Narayan Lal, Working as Principal, A.S. College, Eikramganj.
12. Dr. Kanhaiya Prasad Sinha, Working as Principal, S.B. College, Ara.
13. Dr. Raj Kumar Madhukar, Working as Principal, S.N. College, Shahmal Kairadeo.
14. Dr. Shailendra Kr. Ojha, Working as Principal, J.L.N. College, Dehri-On-Sone.
15. Dr. Narendra Kumar null R/o Flat No.203, Servakunj Apartment, Mahesh Nagar, P.S. Patliputra, Patna, District Patna.All since removed by Notification bearing memo No. 503 dated 13.8.2015 of the Veer Junwar Singh University, Ara.

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 1556 of 2015)

For the Appellant/s	:	Mr. Abhinav Srivastava, Advocate
		Mr. Amresh Kumar Singh, Advocate
For the Respondent/s	:	Mr. P. K. Verma, Sr. Advocate
For the University	:	Mr. Rajesh Prasad Choudhary, Advocate

(In Letters Patent Appeal No. 1567 of 2015)

For the Appellant/s	:	Mr. Amaresh Kumar Singh, Ad
For the Respondent/s	:	Mr. Lalit Kishore, PAAG

(In Letters Patent Appeal No. 1715 of 2015)

For the Appellant/s	:	Mr. Jitendra Singh, Sr. Advocate
		Mr. Abhinav Srivastava, Advocate
		Mr. Amresh Kumar Singh, Advocate
		Mr. Harsh Singh, Advocate
For the Respondent/s	:	Mr. Rajesh Prasad Choudhary, Advocate
For the University	:	Mr. Kinkar Kumar, Advocate



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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 18-01-2023

None appears for the respondent-Dr. Mithilesh
Kumar Pandey.

2. On 24.11.2022, the following order was passed:-

*“Heard the matter for sometime.
Perusal of the records it is evident
that respondents who were petitioner have
sought for the following relief:-*

*“That the present memo of
appeal has been preferred against the
order and judgment dated 24/07/2015
passed by Hon’ble Mr Justice
Chakradhari Sharan Singh in C.W.J.C.
No. 8597/2010, by which, while
allowing the said writ application, the
appointment of the
respondent/appellants against the posts
of Principals in different constituent
colleges under the Veer Kunwar Singh
University, Ara (hereinafter referred to
as “the University”) has been quashed
and directions for carrying out fresh
process of selection for appointment of
Principals in the services of the
University have been issued.”*

*In the absence of challenge to the
final select list of Principal or selection by the
committee, the respondents proceeded to
challenge order of appointment issued in
favour of the respondent in the writ petition or*



appellants before this Court.

During pendency of the writ petition the first two petitioners' name have been deleted from writ proceedings on 11.03.2014. Therefore, the present lis is only against Dr. Mithilesh Kumar Pandey.

Learned counsel for the respondent-Dr. Mithilesh Kumar Pandey is hereby directed to apprise this Court with reference to any judicial pronouncements in the absence of challenge to the select list whether candidate can question the order of appointment or not?

Re-list this matter on 08.12.2022."

2. Thereafter at the request of learned counsel for the concerned respondent, the matter was adjourned on 12.01.2023 vide order dated 08.12.2022.

3. The learned counsel for the respondent-Dr. Mithilesh Kumar Pandey is not present and he has also not furnished any material to show that the appointment order could be challenged without challenging the final select list. Therefore, the appellant has made out a case so as to interfere with the order of the learned Single Judge dated 24.07.2015 passed in C.W.J.C. No. 8597 of 2010. Accordingly, order of the learned Single Judge dated 24.07.2015 passed in C.W.J.C. No. 8597 of 2010 filed on behalf of Dr. Mithilesh Kumar Pandey is set aside and C.W.J.C. No. 8597 of 2010 is hereby rejected.

4. The L.P.A. No. 1556 of 2015 stands allowed.



4. In the light of the order passed in L.P.A. No. 1556 of 2015, the remaining L.P.A. No. 1567 of 2015 and L.P.A. No. 1715 of 2015 also stands allowed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	23.01.2023
Transmission Date	

