

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1376 of 2019

In

Civil Writ Jurisdiction Case No.7039 of 2011

-
1. Dr. Shiv Lochan Jha, Son of Late Badri Narayan Jha, at present posted as Principal in Kalyani Mithila Sanskrit College, Deep, District- Madhubani.
 2. Dr. Bhaglu Jha, Son of Chandra Kant Jha, at present posted as Principal in Ram Autar Gautam Sanskrit College, Ahilya Asthan, Darbhanga.
 3. Dr. Prem Kant Jha, son of Kameshwar Jha, at present posted in Nandan Sanskrit College, Ishahpur, Sarisabpahi District- Madhubani.
 4. Dr. Dinesh Jha, Son of Late Nand Kishore Jha, at present posted as Principal in Bab Saheb Ram Sanskrit College, Pacharhi, District- Madhubani.
 5. Dr. Manoj Kumar, Son of Sri Ram Krishna Jha, at Present posted as Principal in Government Sanskrit College, Kajipur, District- Patna.
 6. Dr. Ashok Kumar Ajad, Son of Priyavarta Prasad Yadav, at present posted as Principal Aknil Bharti Sanskrit Hindi Vidyapith, Khamhar, Begusarai.
 7. Dr. Ravi Shankar Jha, Son of Late Anand Lal Jha, at present posted as Principal in Purnima Ram Pratap Sanskrit College, Baigni, Darbhanga.
 8. Dr. Ashok Kumar Purbey, Son of Late Gajadhar Purbey, at present posted as Principal in Sri Jagdamba Sanskrit College, Batho, District Darbhanga.

... ... Appellant/s

Versus

1. Dr. Ramesh Jha, Son of Late Bachaee Jha, Resident of Village- Hainthiwali, P.O. - Kothia Via- Jhanjharpur, P.S. Jhanjharpur, District- Madhubani.
2. Dr. Priyambada Kumari Mishra, Wife of Sri Mithilesh Kumar Pandey, Resident of Village and P.O.- Madhopatti, Karntol, P.S.- Madhopatti, District- Darbhanga.
3. The State of Bihar, through the Principal Secretary, Human Resources Development Department (Now Education Department) Bihar, Patna.
4. The Director, Higher Education, Human Resources Development Department (Now Education Department) Bihar, patna.
5. Kameshwar Singh Darbhanga Sanskrit University, Darbhanga through its Registrar.
6. The Vice-Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
7. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
8. Anil Kumar Ishwar, the then Principal, Govt. Sanskrit College, Kajipur, Patna.
9. Vinay Kumar Singh, the then Principal, Umesh Sanskrit College Tarauni, Darbhanga.
10. Abha Kumari, the then Principal, Bharat Mishra Sanskrit College, Chapra.



11. Rajendra Prasad Choudhur, the then Principal, R.B. Sanskrit College Bediban, East Champaran.
12. Kanchanmala Pandit, the then Principal, Madneshwar Nath Sanskrit College Madneshwar Asthan, Madhubani.
13. Rameshwar Rai, the then Principal, Shri Ram Sanskrit College Biajipur, Gopalganj.
14. Ashwani Kumar Sharma, the then Principal, D.S.S. College, Rambag Road, Muzaffarpur.
15. Jitendra Kumar, the then Principal, Brajbhushan Sanskrit College Kharkhura, Gaya.
16. Suresh Pandey, the then Principal, Raghavendra Sanskrit College, Taretpali, Patna.
17. Dineshwar Yadav, the then Principal, Madan Sanskrit College, Ishahpur, Madhubani.
18. Prabhash Chandra, the then Principal, Shiv Prasad Degree College, Rampur, Umarpur Buxar.
19. Ghanshyam Mishra, the then Principal, M.M. Late Sanskrit College, Lohna, Madhubani.
20. Hari Narayan Thakur, the then Principal, Ramadhin Mishra, Bhaskaroday Sanskrit College, Devdhia, Buxar, now retired.
21. Umesh Kumar Singh, the then Principal, Awadh Bihari Sanskrit College, Rahimpur Khagaria.

... .. Respondent/s

with
Letters Patent Appeal No. 1368 of 2019
In
Civil Writ Jurisdiction Case No.7039 of 2011

1. Dr. Dineshwar Yadav, Son of Late Sube Yadav, at present posted as Principal in Laxmi Narayan Rameshwar Sanskrit College, Jaideo Patti, District-Darbhangha.
2. Dr. Prabhash Chandra, Son of Late Ram Chandra Mishra, at present posted as Principal in government of Sanskrit College, Bhagalpur District-Bhagalpur.
3. Dr. Ghanshyam Mishra, Son of Narayan Dutt Mishra, at present posted as Principal in Maharani Maheshwar lata Sanskrit Vidya Pith, Lohna District-Madhubani.

... .. Appellant/s

Versus

1. Dr. Ramesh Jha, Son of Late Bachae Jha, Resident of Village- Hainthiwali, P.O.- Kothia Via- Jhanjharpur, P.S.- Jhanjharpur, District- Madhubani.
2. Dr. Priyambada Kumari Mishra, Wife of Sri Mithilesh Kumar Pandey, R/O



Vill. and P.O.-Madhopatti, Karntol, P.S.-Madhopatti, Distt.-Darbhanga.

3. The State of Bihar, through the Principal Secretary, Human Resources Development Department (Now Education Department) Bihar, Patna.
4. The Director, Higher Education, Human Resources Development Department (Now Education Department) Bihar, Patna.
5. Kameshwar Singh Darbhanga Sanskrit University, Darbhanga through its Registrar.
6. The Vice - Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
7. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
8. Anil Kumar Ishwar, the then Principal, Govt. Sanskrit College, Kajipur, Patna.
9. Vinay Kumar Singh, the then Principal, Umesh Sanskrit College Tarauni, Darbhanga.
10. Abha Kumari, the then Principal, Bharat Mishra Sanskrit College, Chapra.
11. Rajendra Prasad Choudhur, the then Principal, R.B. Sanskrit College Bediban, East Champran.
12. Kanchanmala Pandit, the then Principal, Madneshwar Nath Sanskrit College Madneshwar Asthan, Madhubani.
13. Ashok Kumar Purvey, the then Principal, Jagdamba Sanskrit College, Batho, Darbhanga.
14. Ravi Shankar Jha, the then Principal, Purnima Ram Pratap Sanskrit College Baigni, Darbhanga.
15. Rameshwar Rai, the then Principal, Shri Ram Sanskrit College Biajipur, Gopalganj.
16. Ashok Kumar Ajad, the then Principal, Laxmi Narain Sanskrit College, Jaidev Patti, Darbhanga.
17. Manoj Kumar, the then Principal, B.P. Arya Sanskrit College, Siwan.
18. Bhaglu Jha, the then Principal, Sidheshwari Sanskrit College, Pachrukha, Bhojpur.
19. Hari Narayan Thakur, the then Principal, Ramadhin Mishra, Bhaskaroday Sanskrit College, Devdhia, Buxar, now retired.
20. Prem Kant Jha, the then Principal Ugrata Bharti Mandan Sanskrit College, Mabishi Saharsa.
21. Ashwani Kumar Sharma, the then Principal, D.S.S. College, Rambag Road, Muzaffarpur.
22. Jitendra Kumar, the then Principal, Brajbhushan Sanskrit College Kharkhura, Gaya.
23. Suresh Pandey, the then Principal, Raghavendra Sanskrit College, Taretpali, Patna.
24. Umesh Kumar Singh, the then Principal, Awadh Bihari Sanskrit College, Rahimpur Khagaria.



25. Shiv Lochan Jha, the then Principal, Kalyani Mithila Sanskrit College, Deep, Madhubani.
26. Dinesh Jha, the then Principal, Baba Saheb Ram Sanskrit College, Pachadhi, Darbhanga.

... .. Respondent/s

with
Letters Patent Appeal No. 1399 of 2019
In
Civil Writ Jurisdiction Case No.7039 of 2011

Dr. Hari Narayan Thakur, son of Late Vidya Nand Thakur, R/o. Village/ Mohalla- Darbhanga Town, P.S. L.N.M.U. Darbhanga, District Darbhanga, Principal Ramadhin Mishra Bhaskaroday Sanskrit College, Devdhia, Buxar, now retired Principal from A.M.P Sanskrit College, Pahua Sangram, Madhubani.

... .. Appellant/s

Versus

1. Dr. Ramesh Jha S/o Late Bachae Jha, R/O Vill.-Hainthibali, P.O.-Kothia, Via-Jhanjharpur, P.S.-Jhanjharpur, Distt.-Madhubani.
2. Dr. Priyamvada Kumari Mishra, W/o Sh. Mithilesh Kumar Pandey, R/O Vill. P.O.-Madhopatti, Karntol, P.S.-Madhopatti, Distt.-Darbhanga.
3. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
4. The Director, Higher Education, Human Resources Development Department, Government of Bihar, Patna.
5. Kameshwar Singh Darbhanga Sanskrit University, Darbhanga through the Registrar.
6. The Vice-Chancellor, kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
7. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
8. Anil Kumar Ishwar, Principal, Govt. Sanskrit College, Kajipur, Patna.
9. Vinay Kumar Singh, Principal, Umesh Sanskrit College, Tarauni, Darbhanga.
10. Ghanshyam Mishra, Principal, Umesh Sanskrit College, Lohna, Madhubani.
11. Abha Kumari, Principal, Bharat Mishra Sanskrit College, Chapra.
12. Rajendra Prasad Choudur, Principal, Madneshwar nath Sanskrit College, Madneshwar Sthan, Madhubani.
13. Kanchanmala Pandit, Principal, Madneshwar nath Sanskrit College, Madneshwar Sthan, Madhubani.
14. Ashok Kumar Purvey, Principal, Jagdamba Sanskrit College, Bathe, Darbhanga.



15. Ravi Shankar Jha, Principal Purnima Rampratap Sanskrit College, Bagni, Darbhanga.
16. Rameshwar Rai, Principal, Shri Ram Sanskrit College, Bijipur, Giopalganj.
17. Dineshwar Yadav, Principal, Nandan Sanskrit College, Ishahpur, Madhubani.
18. Ashok Kumar Ajad, Principal, Laxminarain Sanskrit College, Jaidevpatti, Darbhanga.
19. Manoj Kumar, Principal, B.P. Arya Sanskrit College, Siwan.
20. Bhaglu Jha, Principal, Sidheshwai Sanskrit College, Pachrukha, Bhojpur.
21. Prabhash Chandra, Principal, Shivprasad Degree College, Rampur, Umarpur, Buxar.
22. Premkant Jha, Principal, Ugratara Bharti Mandan Sanskrit College, Mahishi, Saharsa.
23. Ashwini Kumar Sharma, Principal, D.S.S., College, Rambagh Road, Muzaffarpur.
24. Jitendra Kumar, Principal, Brajbhushan Sanskrit College, Taretpali, Patna.
25. Suresh Kumar, Principal, Raghavendra Sanskrit College, Taretpali, Patna.
26. Umesh Kumar Singh, Principal, Awadh Bihari Sanskrit College, Khagaria.
27. Shiv Lochan Jha, Principal, Kalyani Mithila Sanskrit College, Deep, Madhubani.
28. Dinesh Jha, Principal, Baba Saheb Ram Sanskrit College, Pachadhi, Darbhanga.

... .. Respondent/s

=====

with

Letters Patent Appeal No. 1402 of 2019

In

Civil Writ Jurisdiction Case No.7039 of 2011

=====

Jitendra Kumar, Son of Bhawani Prasad Singh, Resident of Mohalla- Shivpuri Colony, Road No.1, Gaya, P.S.- Chandauti, District- Gaya, Principal, Braj Bhushan Sanskrit College, Kharkhura, Gaya.

... .. Appellant/s

Versus

1. Dr. Ramesh Jha, S/o Late Bachae Jha R/O Village - Hainthibali, P.O.- Kothia, Via-Jhanjharpur, P.S.-Jhanjharpur, Distt.-Madhubani.
2. Dr. Priyambada Kumari Mishra W/o Shri Mithilesh Kumar Pandeya R/O Village and P.O.-Madhopatti, Karntol, P.S.-Madhopatti, Distt.-Darbhanga.
3. The State of Bihar Through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
4. The Director, Higher Education, Human Resources Development Deptt., Bihar, Patna.



5. Kameshwar Singh, Darbhanga Sanskrit University, Darbhanga Through Its Registrar.
6. The Vice-Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
7. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
8. Anil Kumar Ishwar, Principal, Govt. Sanskrit College, Kajipur, Patna.
9. Vinay Kumar Singh, Principal, Umesh Sanskrit College, Tarauni, Darbhanga.
10. Ghanshyam Mishra, Principal, M.M. Lata Sanskrit College, Lohna, Madhubani.
11. Abha Kumari, Principal, Bharat Mishra Sanskrit College, Chapra.
12. Rajendra Prasad Choudhur, Principal, R.B. Sanskrit College, Bediban, East Champaran.
13. Kanchanmala Pandit, Principal, Madneshwar Nath Sanskrit College, Madneshwar Sthan, Madhubani.
14. Ashok Kumar Purvey, Principal, Jagdamba Sanskrit College, Bathe, Darbhanga.
15. Ravi Shankar Jha, Principal, Purnima Ramratap Sanskrit College, Bagni, Darbhanga.
16. Rameshwar Rai, Principal, Shri Ram Sanskrit College, Biajipur, Gopalganj.
17. Dineshwar Yadav, Principal, Nandan Sanskrit College, Ishahpur, Madhubani.
18. Ashok Kumar Ajad, Principal, Laxminarain Sanskrit College, Jaidevpatti, Darbhanga.
19. Manoj Kumar, Principal, B.P. Arya Sanskrit College, Siwan.
20. Bhaglu Jha, Principal, Sidheshwai Sanskrit College, Pachrukha, Bhojur.
21. Prabhash Chandra, Principal, Shivprasad Degree College, Rampur, Umarpur, Buxar.
22. Harinarayan Thakur, Principal, Ramadhin Mishra Bhaskaroday Sanskrit College, Devdhia, Buxar.
23. Premkant Jha, Principal, Ugratara Bharti Mandan Sanskrit College, Mahishi, Saharsa.
24. Ashwini Kumar Sharma, Principal, D.S.S., College, Rambagh Road, Muzaffarpur.
25. Suresh Kumar, Principal, Raghavendra Sanskrit College, Taretpali, Patna.
26. Umesh Kumar Singh, Principal, Awadh Bihari Sanskrit College, Rahimpur, Khagaria.
27. Shiv Lochan Jha, Principal, Kalyani Mithila Sanskrit College, Deep, Madhubani.
28. Dinesh Jha, Principal, Baba Saheb Ram Sanskrit College, Pachadhi, Darbhanga.



... .. Respondent/s

with
Letters Patent Appeal No. 1403 of 2019
In
Civil Writ Jurisdiction Case No.7039 of 2011

Rajendra Prasad Choudhur, Son of Late Jagannath Choudhur, Resident of Mohalla- Sri Krishna Nagar, P.S.- Motihari, Distt.- East Champaran, Posted as Principal, R.B. Sanskrit College, Bediban, East Champaran

... .. Appellant/s

Versus

1. Dr. Ramesh Jha S/O Late Bachaee Jha, R/O Village- Hainthibali, P.O.- Kothia, Via-J hanjharpur, P.S.- Jhanjharpur, Distt.- Madhubani.
2. Dr. Priyambada Kumari Mishra, W/O Shri Mithilesh Kumar Pandeya R/O Village and P.O.- Madhopatti, Karntol, P.S.- Madhopatti, Distt.- Darbhanga
3. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
4. The Director, Higher Education, Human Resources Development Deptt., (Now Education Department) Bihar, Patna.
5. Kameshwar Singh, Darbhanga Sanskrit University, Darbhanga Through Its Registrar.
6. The Vice-Chancellor, Kameshwar Singh Dabhang Sanskrit University, Darbhanga.
7. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
8. Anil Kumar Ishwar, Principal, Govt. Sanskrit College, Kajipur, Patna.
9. Vinay Kumar Singh, Principal, Umesh Sanskrit College, Tarauni, Darbhanga
10. Ghanshyam Mishra, Principal, M.M. Lata Sanskrit College, Lohna, Madhubani
11. Abha Kumari, Principal, Bharat Mishra Sanskrit College, Chapra
12. Kanchanmala Pandit, Principal, Madneshwar Nath Sanskrit College, Madneshwar Sthan, Madhubani.
13. Ashok Kumar Purvey, Principal, Jagdamba Sanskrit College, Bathe, Darbhanga.
14. Ravi Shankar Jha, Principal, Purnima Rampratap Sanskrit College, Bagni, Darbhanga.
15. Rameshwar Rai, Principal, Shri Ram Sanskrit College, Biajipur, Gopalganj.
16. Dineshwar Yadav, Principal, Nandan Sanskrit College, Ishahpur, Madhubani
17. Ashok Kumar Ajad, Principal, Laxminarain Sanskrit College, Jaidevpatti, Darbhanga.
18. Manoj Kumar, Principal, B.P. Arya Sanskrit College, Siwan.



19. Bhaglu Jha, Principal, Sidheshwai Sanskrit College, Pachrukha, Bhojpur.
20. Prabhash Chandra, Principal, Shiv Prasad Degree College, Rampur, Umarpur, Buxar
21. Hari Narayan Thakur, Principal, Ramadhin Mishra, Bhaskaroday Sanskrit College, Devdhia, Buxar, now retired
22. Premkant Jha, Principal, Ugratara Bharti Mandan Sanskrit College, Mahishi, Saharsa.
23. Ashwini Kumar Sharma, Principal, D.S.S., College, Rambagh Road, Muzaffarpur.
24. Jitendra Kumar, Principal, Brajbhushan Sanskrit College, Kharkhura, Gaya.
25. Suresh Kumar, Principal, Raghavendra Sanskrit College, Taretpali, Patna
26. Umesh Kumar Singh, Principal, Awadh Bihari Sanskrit College, Rahimpur, Khagaria.
27. Shiv Lochan Jha, Principal, Kalyani Mithila Sanskrit College, Deep, Madhubani.
28. Dinesh Jha, Principal, Baba Saheb Ram Sanskrit College, Pachadhi, Darbhanga.

... .. Respondent/s

=====

with
Letters Patent Appeal No. 1405 of 2019
In
Civil Writ Jurisdiction Case No.7039 of 2011

=====

Ashwini Kumar Sharma, Son of Ram Pavitra Sharma, Resident of Village - Raghapur, P.S.- Muzaffarpur, District- Muzaffarpur, Principal, D.S.S. College, Rambagh Road, Muzaffarpur.

... .. Appellant/s

Versus

1. Dr. Ramesh Jha, S/O late Bachae Jha, Address - R/O Vill.-Hainthibali, P.O.- Kothia, Via-Jhanjharpur, P.S.-Jhanjharpur, Distt.-Madhubani.
2. Dr. Priyambada Kumari Mishra, W/O Shri Mithilesh Kumar Pandeya, R/O Vill. P.O.-Madhopatti, Karntol, P.S.-Madhopatti, Distt.-Darbhanga.
3. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
4. The Director, Higher Education, Human Resources Development Deptt. Bihar, Patna.
5. Kameshwar Singh Darbhanga Sanskrit University, Darbhanga through the Registrar.
6. The Vice-Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
7. The Registrar, Kameshwar Singh Darbhanga Sanskrit University,



Darbhanga.

8. Anil Kumar Ishwar, Principal, Govt. Sanskrit College, Kajipur, Patna.
9. Vinay Kumar Singh, Principal, Umesh Sanskrit College, Tarauni, Darbhanga.
10. Ghanshyam Mishra, Principal, M.M. late Sanskrit College, Lohna, Madhubani.
11. Abha Kumari, Principal, Bharat Mishra Sanskrit College, Chapra.
12. Rajendra Prasad Choudur, Principal, R.B. Sanskrit College, Bediban, East Champaran.
13. Kanchanmala Pandit, Principal, Madneshwar nath Sanskrit College, Madneshwar Sthan, Madhubani.
14. Ashok Kumar Purvey, Principal, Jagdamba Sanskrit College, Bathe, Darbhanga.
15. Ravi Shankar Jha, Principal Purnima Rampratap Sanskrit College, Bagni, Darbhanga.
16. Rameshwar Rai, Principal, Shri Ram Sanskrit College, Bijipur, Giopalganj.
17. Dineshwar yadav, Principal, Nandan Sanskrit College, Ishahpur, Madhubani.
18. Ashok Kumar Ajad, Principal, Laxminarain Sanskrit College, Jaidevpatti, Darbhanga.
19. Manoj Kumar, Principal, B.P. Arya Sanskrit College, Siwan.
20. Bhaglu Jha, Principal, Sidheshwai Sanskrit College, Pachrukha, Bhojpur.
21. Prabhash Chandra, Principal, Shivprasad Degree College, Rampur, Umarpur, Buxar.
22. Harinarayan Thakur, Principal, Ramadhin Mishra Bhaskaroday Sanskrit College, Devhia, Buxar.
23. Premkant Jha, Principal, Ugratara Bharti Mandan Sanskrit College, Mahishi, Saharsa.
24. Jitendra Kumar, Principal, Braj Bhushan Sanskrit College, Kharkhura, Gaya.
25. Suresh Kumar, Principal, Gaghavendra Sanskrit College, Taretpali, Patna.
26. Umesh Kumar Singh, Principal, Awadh Bihari Sanskrit College, Rahimpur, Khagaria.
27. Shiv Lochan Jha, Kalyani Mithila Sanskrit College, Deep, Madhubani.
28. Dinesh Jha, Principal, Baba Saheb Ram Sanskrit College, Pachadhi, Darbhanga.

... .. Respondent/s

with
Letters Patent Appeal No. 1407 of 2019
In
Civil Writ Jurisdiction Case No.7039 of 2011

1. Dr. Suresh Pandey, Son of Late Tapeswar Pandey at present posted as



Principal in Sidheshwari Sanskrit Mahavidyalaya, Pachrukhiya, Bhojpur,
P.s.- Hasan Bazar, Bhojpu

2. Vinay Kumar Singh, Son of Late Ram Sevak Singh at present posted as
Principal in Awadh Bihari Sanskrit College, Rahimpur, Khagaria

... .. Appellant/s

Versus

1. Dr. Ramesh Jha, S/O Late Bachaee Jha, R/O Village- Hainthibali, P.O.-
Kothia, Via-J hanjharpur, P.S.- Jhanjharpur, Distt.- Madhubani.
2. Dr. Priyambada Kumari Mishra, W/O Shri Mithilesh Kumar Pandeya
R/OVillage and P.O.- Madhopatti, Karntol, P.S.- Madhopatti, Distt.-
Darbhanga
3. The State of Bihar through the Principal Secretary, Human Resources
Development Department, Government of Bihar, Patna
4. The Director, Higher Education, Human Resources Development Deptt.,
(Now Education Department) Bihar, Patna.
5. Kameshwar Singh Darbhanga Sanskrit University, Darbhanga Through Its
Registrar.
6. The Vice-Chancellor, Kameshwar Singh Dabhang Sanskrit University,
Darbhanga.
7. The Resistrar, Kameshwar Singh Darbhanga Sanskrit University,Darbhang.
8. Anil Kumar Ishwar, the then Principal, Govt. Sanskrit College, Kajipur,
Patna.
9. Abha Kumari, the then Principal, Bharat Mishra Sanskrit College, Chapra
10. Rajendra Prasad Choudhur, the then Principal, R.B. Sanskrit College,
Bediban, East Champaran.
11. Kanchanmala Pandit, the then Principal, Madneshwar Nath Sanskrit
College,Madneshwar Sthan, Madhubani.
12. Ashok Kumar Purvey, the then Principal, Jagdamba Sanskrit College,
Bathe,Darbhang.
13. Ravi Shankar Jha, the then Principal, Purnima Rampratap Sanskrit College,
Bagni,Darbhang.
14. Rameshwar Rai, the then Principal, Shri Ram Sanskrit College, Biajipur,
Gopalganj.
15. Ashok Kumar Ajad, the then Principal, Laxminarain Sanskrit College,
Jaidevpatti,Darbhang.
16. Manoj Kumar, the then Principal, B.P. Arya Sanskrit College, Siwan.
17. Bhaglu Jha, the then Principal, Sidheshwai Sanskrit College, Pachrukhiya,
Bhojpur.
18. Hari Narayan Thakur, the then Principal, Ramadhin Mishra, Bhaskaroday
Sanskrit College, Devdhia, Buxar, now retired
19. Prem kant Jha, the then Principal, Ugratara Bharti Mandan Sanskrit College,
Mahishi,Saharsa.



20. Ashwini Kumar Sharma, the then Principal, D.S.S., College, Rambagh Road,Muzaffarpur.
21. Jitendra Kumar, the then Principal, Brajbhushan Sanskrit College, Kharkhura, Gaya.
22. Umesh Kumar Singh, the then Principal, Awadh Bihari Sanskrit College, Rahimpur,Khagaria.
23. Shiv Lochan Jha, the then Principal, Kalyani Mithila Sanskrit College, Deep,Madhubani.
24. Dinesh Jha, the then Principal, Baba Saheb Ram Sanskrit College, Pachadhi,Darbhangha.
25. Dineshwar Yadav, the they Principal, Nandan Sanskrit College, Ishahpur, Madhubani
26. Prabhash Chandra, the then Principal, Shiv Prasad Degree College, Rampur, Umarpur, Buxar
27. Ghanshyam Mishra, the then Principal, M.M. Lata Sanskrit College, Lohna, Madhubani

... .. Respondent/s

with
Letters Patent Appeal No. 1408 of 2019
In
Civil Writ Jurisdiction Case No.7039 of 2011

Anil Kumar Ishwar, Son of Late Ramdeo Ishwar, Resident of Village-Marachi, P.S.-Bachawara, District-Begusarai, the then Principal, Govt. Sanskrit College, Kajipur, Patna.

... .. Appellant/s

Versus

1. Dr. Ramesh Jha S/O Late Bachaee Jha, R/O Village- Hainthibali, P.O.- Kothia, Via-Jhanjharpur, P.S.- Jhanjharpur, Distt.- Madhubani.
2. Dr. Priyambada Kumari Mishra, W/O Shri Mithilesh Kumar Pandeya , R/O Village and P.O.- Madhopatti, Karntol, P.S.- Madhopatti, Distt.- Darbhanga.
3. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
4. The Director, Higher Education, Human Resources Development Deptt., Bihar, Patna.
5. Kameshwar Singh Darbhanga Sanskrit University, Darbhanga Through Its Registrar.
6. The Vice-Chancellor, Kameshwar Singh Dabhanga Sanskrit University, Darbhanga.
7. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
8. Vinay Kumar Singh, Principal, Umesh Sanskrit College, Tarauni,



Darbhangha.

9. Ghanshyam Mishra, Principal, M.M. Lata Sanskrit College, Lohna, Madhubani
10. Abha Kumari, Principal, Bharat Mishra Sanskrit College, Chapra
11. Rajendra Prasad Choudhur, Principal, R.B. Sanskrit College, Bediban, East Champaran.
12. Kanchanmala Pandit, Principal, Madneshwar Nath Sanskrit College, Madneshwar Sthan, Madhubani.
13. Ashok Kumar Purvey, Principal, Jagdamba Sanskrit College, Bathe, Darbhanga.
14. Ravi Shankar Jha, Principal, Purnima Rampratap Sanskrit College, Bagni, Darbhanga.
15. Rameshwar Rai, Principal, Shri Ram Sanskrit College, Biajipur, Gopalganj.
16. Dineshwar Yadav, Principal, Nandan Sanskrit College, Ishahpur, Madhubani
17. Ashok Kumar Ajad, Principal, Laxminarain Sanskrit College, Jaidevpatti, Darbhanga.
18. Manoj Kumar, Principal, B.P. Arya Sanskrit College, Siwan.
19. Bhaglu Jha, Principal, Sidheshwai Sanskrit College, Pachrukha, Bhojpur.
20. Prabhash Chandra, Principal, Shivprasad Degree College, Rampur, Umarpur, Buxar.
21. Harinarayan Thakur, Principal, Ramadhin Mishra Bhaskaroday Sanskrit College, Devdhia, Buxar.
22. Premkant Jha, Principal, Ugratara Bharti Mandan Sanskrit College, Mahishi, Saharsa.
23. Ashwini Kumar Sharma, Principal, D.S.S. College, Rambagh Road, Muzaffarpur.
24. Jitendra Kumar, Principal, Braj Bhushan Sanskrit College, Kharkhura, Gaya.
25. Suresh Kumar, Principal, Raghavendra Sanskrit College, Taretpali, Patna
26. Umesh Kumar Singh, Principal, Awadh Bihari Sanskrit College, Rahimpur, Khagaria.
27. Shiv Lochan Jha, Principal, Kalyani Mithila Sanskrit College, Deep, Madhubani.
28. Dinesh Jha, Principal, Baba Saheb Ram Sanskrit College, Pachadhi, Darbhanga.

... .. Respondent/s

with
Letters Patent Appeal No. 1412 of 2019
In
Civil Writ Jurisdiction Case No.7039 of 2011



Abha Kumari, Wife of Sri Subodh Kumar Resident of Village- Tarsan, P.S.- Kurhani, District- Muzaffarpur, Principal, Bharat Mishra Sanskrit College, Chhapra.

... .. Appellant/s

Versus

1. Dr. Ramesh Jha S/o Late Bachae Jha R/O Village -Hainthibali, P.O.-Kothia, Via-Jhanjharpur, P.S.-Jhanjharpur, Distt.-Madhubani.
2. Dr. Priyambada Kumari Mishra W/o Shri Mithilesh Kumar Pandeya R/O Village and P.O.-Madhopatti, Karntol, P.S.-Madhopatti, Distt.-Darbhanga.
3. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
4. The Director, Higher Education, Human Resources Development Deptt., Bihar, Patna.
5. Kameshwar Singh, Darbhanga Sanskrit University, Darbhanga Through Its Registrar.
6. The Vice-Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
7. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
8. Vinay Kumar Singh, Principal, Umesh Sanskrit College, Tarauni, Darbhanga.
9. Ghanshyam Mishra, Principal, M.M. Lata Sanskrit College, Lohna, Madhubani.
10. Anil Ishwar, Principal, Govt. Sanskrit College, Kajipur, Patna.
11. Rajendra Prasad Choudhur, Principal, R.B. Sanskrit College, Bediban, East Champaran.
12. Kanchanmala Pandit, Principal, Madneshwar Nath Sanskrit College, Madneshwar Sthan, Madhubani.
13. Ashok Kumar Purvey, Principal, Jagdamba Sanskrit College, Bathe, Darbhanga.
14. Ravi Shankar Jha, Principal, Purnima Ramratap Sanskrit College, Bagni, Darbhanga.
15. Rameshwar Rai, Principal, Shri Ram Sanskrit College, Biajipur, Gopalganj.
16. Dineshwar Yadav, Principal, Nandan Sanskrit College, Ishahpur, Madhubani.
17. Ashok Kumar Ajad, Principal, Laxminarain Sanskrit College, Jaidevpatti, Darbhanga.
18. Manoj Kumar, Principal, B.P. Arya Sanskrit College, Siwan.
19. Bhaglu Jha, Principal, Sidheshwai Sanskrit College, Pachrukha, Bhojpur.
20. Prabhash Chandra, Principal, Shivprasad Degree College, Rampur, Umarpur, Buxar.
21. Harinarayan Thakur, Principal, Ramadhin Mishra Bhaskaroday Sanskrit



College, Devdhia, Buxar.

22. Premkant Jha, Principal, Ugratara Bharti Mandan Sanskrit College, Mahishi, Saharsa.
23. Ashwini Kumar Sharma, Principal, D.S.S., College, Rambagh Road, Muzaffarpur.
24. Jitendra Kumar, Principal, Raghavendra Sanskrit College, Kharkhura, Gaya.
25. Suresh Kumar, Principal, Raghavendra Sanskrit College, Taretpali, Patna.
26. Umesh Kumar Singh, Principal, Awadh Bihari Sanskrit College, Rahimpur, Khagaria.
27. Shiv Lochan Jha, Principal, Kalyani Mithila Sanskrit College, Deep, Madhubani.
28. Dinesh Jha, Principal, Baba Saheb Ram Sanskrit College, Pachadhi, Darbhanga.

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 1376 of 2019)

For the Appellant/s : Mr. Y.V.Giri, Sr. Advocate
Mr. Durga Nand Jha, Advocate
For the State : Mr. Apurva Kumar, Advocate
For the University : Mr. Sanjay Singh, Sr. Advocate
Mr. Deepak Kumar, Advocate

(In Letters Patent Appeal No. 1368 of 2019)

For the Appellant/s : Mr. Y.V.Giri, Sr. Advocate
Mr. Durga Nand Jha, Advocate
For the State : Mr. Apurva Kumar, Advocate
For the University : Mr. Sanjay Singh, Sr. Advocate
Mr. Deepak Kumar, Advocate

(In Letters Patent Appeal No. 1399 of 2019)

For the Appellant/s : Mrs. Namrata Mishra, Advocate
Mr. Chotelal Mishra, Advocate
Mrs. Archana Jha, Advocate
Mr. Narayan Jha, Advocate
For the State : Mr. Apurva Kumar, Advocate
For the University : Mr. Sanjay Singh, Sr. Advocate
Mr. Deepak Kumar, Advocate

(In Letters Patent Appeal No. 1402 of 2019)

For the Appellant/s : Mr. Jitendra Singh, Sr. Advocate
Mr. Arun Kumar, Advocate
Mr. Raghubir Chandraya, Advocate
For the State : Mr. Apurva Kumar, Advocate
For the University : Mr. Sanjay Singh, Sr. Advocate
Mr. Deepak Kumar, Advocate

(In Letters Patent Appeal No. 1403 of 2019)

For the Appellant/s : Mr. Jitendra Singh, Sr. Advocate
Mr. Arun Kumar, Advocate
For the State : Mr. Apurva Kumar, Advocate
For the University : Mr. Sanjay Singh, Sr. Advocate
Mr. Deepak Kumar, Advocate

(In Letters Patent Appeal No. 1405 of 2019)

For the Appellant/s : Mr. Jitendra Singh, Sr. Advocate



Mr. Arun Kumar, Advocate
Mr. Raghubir Chandraya, Advocate
For the State : Mr. Apurva Kumar, Advocate
For the University : Mr. Sanjay Singh, Sr. Advocate
Mr. Deepak Kumar, Advocate
(In Letters Patent Appeal No. 1407 of 2019)
For the Appellant/s : Mr. Durga Nand Jha, Advocate
For the State : Mr. Apurva Kumar, Advocate
For the University : Mr. Sanjay Singh, Sr. Advocate
Mr. Deepak Kumar, Advocate
(In Letters Patent Appeal No. 1408 of 2019)
For the Appellant/s : Mr. Jitendra Singh, Sr. Advocate
Mr. Arun Kumar, Advocate
For the State : Mr. Apurva Kumar, Advocate
For the University : Mr. Sanjay Singh, Sr. Advocate
Mr. Deepak Kumar, Advocate
(In Letters Patent Appeal No. 1412 of 2019)
For the Appellant/s : Mr. Pushkar Narain Shahi, Sr. Advocate
Mr. Alok Kumar @ Alok Kr Shahi, Advocate
Mr. Shivam, Advocate
For the State : Mr. Apurva Kumar, Advocate
For the University : Mr. Sanjay Singh, Sr. Advocate
Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY

CAV JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-10-2023

The appellants, in the various appeals, selected and appointed as Principals in the several colleges affiliated to the 5th Respondent; which is a Sanskrit University, are aggrieved with the judgment dated 24.09.2019 of the learned Single Judge, which set aside the entire selection to the post of Principals carried out by the University. The Respondent Nos. 1 and 2 were the writ petitioners; the first of whom is no more and the second petitioner is not represented in the appeal despite notice having been served. There was a substitution application filed



on behalf of the 1st respondent. By order No. 10, dated 02.01.2023, a Division Bench has found the same to be unnecessary, especially since the deceased was one of the candidates, who appeared for the selection; whose claim was for selection in preference to the others; allegedly going by his merit, which claim does not survive after his death.

2. An intervenor had appeared before the learned Single Judge, which application, however, was not allowed, despite the impugned judgment containing observations about the intervenor's grievances. The intervenor again filed I.A. No. 3 of 2020 in one of the appeals, which was rejected by order dated 30.01.2023 by another Division Bench. Hence, insofar as the 1st respondent is concerned, the matter stands abated and insofar as the intervenor is concerned, he is no longer a party to the proceeding. Notice was served on the 2nd respondent, which was recorded as early as on 13.01.2020 in the present appeal, who is not represented before us. We notice these facts elaborately only since there is no serious opposition to the challenge raised against the impugned judgment. The University is non-committal and offers assistance only insofar as putting the matter in the right perspective, neither supporting the appellants nor the writ petitioners/ respondent Nos. 1 & 2.



3. We heard learned Senior Counsel Shri Y.V. Giri, Shri Jitendra Kumar Singh & Shri P.N. Shahi and learned counsel Smt. Namrata Mishra, appearing in the different appeals, for the appellants. We heard Shri Sanjay Singh, learned Senior Counsel for the University and Shri Apurva Kumar, the learned Government Advocate.

4. The appellants urge that the selection conducted in the year 2009, in which the writ petitioners also participated, was challenged after almost two years. The appellants were issued with appointment letters on 18.05.2009; while the writ petition was filed on 20.04.2011. The specific contention taken in the writ petition is that it was informed to the writ petitioners that the Selection Committee was not constituted as per the Bihar State Universities Act, 1976 and the Statute thereunder; specifically, the provisions introduced as per the Amendment of 2007. However, nothing is stated as to the time of such knowledge or the source from which the information originated. On the aspect of delay, reliance is placed on *Mohd. Siddiq Ali v. High Court of A.P; (2005) 13 SCC 207*. The writ petitioners are candidates who participated in the selection and having failed to be selected, challenged the selection on the ground of illegality in the constitution of the



Selection Committee. Such challenge made to a selection, as an afterthought, on being unsuccessful, on grounds which could have been raised prior to the selection, have been deprecated by the courts time and again. Reliance is placed on ***Dr. G. Sarana v. University of Lucknow & Ors., (1976) 3 SCC 585*** and ***Ramesh Chandra Shah & Ors. v. Anil Joshi & Ors.; (2013) 11 SCC 309.***

5. It is pointed out that three main challenges were raised before the learned Single Judge in the writ petition; (i) the constitution of the Selection Committee being not in accordance with the University Act & Statutes, (ii) the high marks given in the interview to certain candidates, clearly indicating nepotism and (iii) many of the respondents, though having teaching experience, there was no remuneration received by them.

6. It was specifically argued that the Selection Committee was constituted from the panel of experts, proposed by the Academic Council. The ground that the experts were sourced from those proposed for selection of Professors and not Principals, cannot be sustained since the definition of Teachers included Principals also. The Selection Committee is asserted to have been constituted properly and there can be no infirmity



found on that ground. Insofar as the marks in the interview, merely because some persons were given higher marks, there can be no allegation of nepotism; especially when the marks awarded were within the total, set apart for the interview. There was a committee of persons interviewing the candidates, who individually awarded marks, the average of which was taken to rank the candidates. None of the Selection Committee members were impleaded in their personal capacity, which was necessary to sustain an allegation of nepotism; in effect an accusation of bias, a clear *mala fide* action insofar as the selection conducted. The constitution of the Selection Committee is as per the Act and statutes is the contention advanced.

7. As far as the teaching experience is concerned, there is nothing in the advertisement to indicate that the selection should be from persons who were having experience in aided colleges; which seems to be the contention raised of service having been rendered in unaided Colleges.

8. From the impugned judgment, the report of a High Level Committee is pointed out, which has been wholly extracted, which, according to the appellants, were never put to them, before the matter was heard or finally decided. In fact, order No. 32 dated 06.02.2019 specifically indicates that the



report handed over by the University, across the Bar in a sealed cover, was perused and returned on the same day. It is not clear how the entire report was extracted in the impugned judgment when the same was returned after perusal. The learned Single Judge after referring to the report in its entirety; which found the selection of all the appellants, except three persons, to be perfectly in order, rejected it as one obtained for the purpose of the benefit of the Legislative Council. It is pointed out that the report specifically speaks of an order of the learned Single Judge, based on which the High Level Committee was constituted. The learned Single Judge, according to the appellants, had misdirected himself insofar as extracting the High Level Committee's report, which was never supplied to any of the appellants who were respondents in the writ petition.

9. It is also urged that the learned Single Judge; as discernible from the various orders including the impugned one, gave time to the University to appoint the 1st petitioner and the intervenor so as to bring a quietus to the litigation. It was only on the University having not conceded to such appointments being made, that the very selection itself was set aside. The learned Single Judge had failed to consider the issue in the proper perspective and had misdirected himself in setting



aside the selection, more as a vindictive & punitive action against the University, who had despite exploring ways and means to settle the matter had not enabled such settlement by appointing the 1st petitioner and the intervenor, as suggested by the Court.

10. The learned Single Judge in the impugned judgment referred to the advertisement and also to the qualifications required for selection to the post of Principal. The learned Single Judge had noticed the constitution of the High Level Committee, comprising of Professors from outside the State, which had gone into the selection made by the University. Having extracted the report in its entirety, the learned Single Judge found the report to be not conclusive material on which reliance could be placed; especially finding it to be a report for the benefit of the Legislative Council. Immediately, we have to notice that there is a specific reference in the report itself to the Committee having been appointed on the basis of the directions of the High Court and there is no reference to any directions issued by the Legislative Council.

11. We find from the records of the case that by order dated 04.09.2018, the learned Single Judge *prima facie* found that there were infirmities in the selection. But



considering the hardship of the respondents, especially their loss of lien in the previous employment and some of them having already retired from the post of Principal, the University was given time to balance the equity situation so as to mitigate the injustice allegedly done to the 1st petitioner and the intervenor. It was also directed that if the University is not able to accommodate the 1st petitioner and the intervenor; then the University should adopt the same yardstick on which the 1st petitioner and the intervenor were disqualified for reason of having not completed ten years of teaching experience as on the cut-off date and come out with a fresh selection list. The University was granted four weeks' time to come out with such corrective measures.

12. It is the case of the University that the High Level Committee was appointed on the basis of directions issued by the learned Single Judge. On 03.10.2018, it was recorded that after repeated indulgence, the respondent University has not rectified the mistakes and adopted corrective measures. It was observed that the University is now taking the plea that the University has no jurisdiction to adopt corrective measures. The selection process of 2008 was asserted to be as per the then existing norms and there could be nothing done, on



the factual and legal situation existing at the time of hearing of the writ petition. The parties were granted time to file written note of arguments and the University again was directed to take corrective measures, if so desired, so as to avoid fixing of accountability on the erring authorities of the University, both erstwhile and current. It was based on this order that the High Level Committee was constituted, as is evident from the report itself.

13. On 06.02.2019, the learned Single Judge specifically took note of the recommendations made by the High Level Committee in its report and again directed that the 1st petitioner and the intervenor may be accommodated against the vacancies available due to retirement. The report of the High Level Committee, produced in sealed cover, was returned to the counsel appearing on behalf of the University, as is seen from the order itself. Obviously, neither the report was supplied to the respondents nor any explanation sought for, from them. The non-supply of the report and the absence of an opportunity to controvert the adverse findings thereat, definitely constitutes a gross violation of the principles of natural justice. However, we cannot but notice that the learned Single Judge had not proceeded on the basis of the report of the High Level



Committee; but it was the refusal of the University to accommodate the two un-successful candidates that led to the selections being set aside, as we notice from the order itself.

14. We cannot but observe that now the appellants cannot have a grievance that the High Level Committee recommendations cannot be looked into, especially since the entire extract was available in the impugned order and they cannot now raise a contention that they had no notice of the recommendations made. We would have expected the appellants to explain the objections against any of them in the appeal itself. Be that as it may, we should first deal with the grounds on which the learned Single Judge set aside the selection.

15. The contention raised by the appellants before the learned Single Judge was also that, having appeared in the selection, they could not have challenged the procedure. It was noticed that the challenge was on the illegality in the constitution of the Selection Committee. The members of the Selection Committee were not drawn from the list approved by the Academic Council, which goes to the root of the matter, thus vitiating the very selection. The judgments, relied on by the respondents, were found to be inapplicable finding one of them to be on the question of maintainability of a public interest



litigation in service matters and the other, insofar as expiry of lien by the time the challenge was raised. The expiry of lien, according to the learned Single Judge, would not confer any equity on the respondents, who were all along aware of the challenge made and never attempted to revert to their earlier employment by enforcing their lien. They had liberty to resume their earlier employment, exercising the lien, but they willingly continued in the present position was the finding of the learned Single Judge. The entire selection process was found to be vitiated for non-adherence of the mandatory provision of selection contemplated under the University Act and Statutes, to get over which, no plea of equity can be raised. The selection was also found to be in clear violation of Articles 14 and 16 of the Constitution of India.

16. The learned Single Judge had also referred to the attempts made on behalf of the University to first substantiate the selection of the expert committee and then for settlement of the entire issue, in both of which attempts, the University, according to the learned Single Judge, failed. The plea of the 1st petitioner and the intervenor, specifically noticed, was only to obtain accommodation in the University and not to extract their pound of flesh; meaning thereby that they never



intended expulsion of the respondents who were selected in the process. It was observed that for nearly one year, the court was waiting for a quietus to the issue, but, now, was constrained to set aside the selection.

17. At the outset, we have to notice that we cannot subscribe to the tenor of the observations made in the impugned judgment so as to continue illegal appointments by way of giving appointments to those persons, who challenged the selection. This would not be a justification to uphold a selection found to be vitiated under Articles 14 and 16 of the Constitution. We also observe that the 2nd petitioner has not appeared since, obviously, she does not have the required teaching experience, The 1st petitioner was disqualified for not having required experience in teaching and the intervenor for not having figured high in the merit list. The Principals are appointed to colleges imparting education to the students; an onerous responsibility and duty having wide ramifications. The appointments are also made to public office, the challenge to which cannot be settled on mere accommodation of the petitioners, which by itself would be a gross illegality, which cannot be resorted to by constitutional courts. We are hence looking at the selection itself and also the report of the High



Level Committee, constituted by the University for the purpose of exploring corrective measures, as suggested by the Court.

18. Before we look at the validity of the selection process and the eligibility of the various respondents, we have to look at the credentials of the petitioners to challenge the selection process; having participated in it but failed to qualify. It is also very pertinent that the selection was carried out in the year 2009 and the writ petition was filed in the year 2011, after almost two years. The averment in the writ petition indicates that the petitioners were made aware of the constitution of the Selection Committee being not in accordance with the Act and the Statute. However, neither the source of such information nor the time when such information was conveyed to them, stated explicitly. It is also to be noticed that the first petitioner was disqualified for reason of his experience not being adequate. There is nothing stated in the memorandum of writ petition or the subsequent affidavits filed by the first petitioner regarding the satisfaction of the essential experience required as per the notification.

19. In so far as the credentials of the second petitioner, it has been specifically stated in the counter affidavit dated 24.07.2017 filed in the writ petition on behalf of private



respondent Nos. 7,10, 23 and 24 that the second petitioner who was at the time of her application appointed as a Lecturer in Ganesh Giriwardhari Sanskrit College, Bakhtiyarpur, an affiliated College under the same University, was sent out by communication dated 14.12.2011 for having not possessed the requisite qualification to be appointed to the said post. She is said to have been removed from service vide resolution dated 10.01.2012 of the University. Further, it is also stated that in the selection process she received only 56 marks when the cut off marks for General Category Candidates was 80. Her performance at the interview was also dismal in comparison to the other candidates in so far as she had obtained only 13 out of the 20 marks. Her expulsion from the entire employment presumably, could be the reason for her non-appearance in the appeal, she has been found to be not qualified to be appointed to the earlier teaching assignment, she gets automatically disqualified herein since it is that former assignment, she reckons for her experience in the instant selection.

20. The second petitioner also has not controverted the specific allegations made in the aforementioned counter affidavit and in that circumstance, she also has to be considered to be disqualified for consideration in



the selection and in any event, she was considered and she failed short of the minimum standards required for selection. Hence, both the petitioners are found to be ineligible for consideration in the selection, since one of them had failed in the selection and the other had not been given any marks in the interview since he did not satisfy the minimum required experience.

21. In so far as the intervenor is concerned, he slept over the matter for a longer time. I.A. No. 899 of 2018 was filed on 01.02.2018, almost a decade after the selection; asserting his preferential eligibility to be selected and doubting the credentials of the persons who were selected. Admittedly, the intervenor also did not fare well in the selection and failed to keep the standard for coming higher up in the merit-list. He had not challenged the selection process and his intervening application had been dismissed by the Division Bench.

22. As we noticed at the outset, neither the writ-petitioners nor the intervenor is represented before us. However, that does not restrain us from looking into the issue since the appointment is to the post of Principals to Sanskrit Colleges and the appointment is also to public posts. Infringement of a statutory provision or violation of the fundamental rights guaranteed under Articles 14 and 16 of the Constitution of India



would definitely enable this Court to invoke its extraordinary jurisdiction, though the appellants do not have a worthy adversary to contest the matter. Be that as it may, we cannot but reiterate our disagreement, with the tenor in which the impugned judgment proceeds; at first attempting to settle the entire matter by giving appointment to the first petitioner and the intervenor, which would be frustration of the principles governing a valid selection process; the validity of which had to be examined prior to such mitigation being offered. There were many who had appeared for the selection and it would not be proper for the Constitutional Court to shut its eyes to clear illegalities by pacifying the persons who challenged the selection by offering them appointments; which they would not have been entitled to, if they had been competing with other similarly placed persons in a properly instituted selection. The impugned judgment also expresses displeasure in the University having not complied with the attempt, which would have brought a quietus to the litigation, which was one of the reasons for setting aside the selection process.

23. Now, we look at the advertisement and the essential qualification required therein. From the extract of the advertisement made in the impugned judgment, we notice the



qualifications required for the Principal, which is as below:-

प्रधानाचार्य (Principal)

(i) An Acharya/Master Degree in Traditional Subject with a least 55 % of the marks or its equivalent grade of B in the 7 point scale with letter grades O, A, B, C, D, E, and F.

(ii) Ph. D. or Equivalent qualification.

(iii) Total experience of 10 years of Teaching/Research in Universities/colleges and other institutions of Higher Education/

Note % For all posts Acharya Degree holders will get priority.

What assumes relevance from the above extract is the reference to ‘Traditional Subjects’, which we would deal with later. Suffice it to now notice that, the contention of two of the appellants, who had Masters Degree in English & Hindi, that they are ‘Traditional Subjects’ and as per the decision of this Court in *Dr. (Mrs.) Annapurna Devi Vs. The State of Bihar; 1997(1) PLJR 965* and *Arbind Kumar Pandey Vs. Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga; 2003(1) PLJR 282*, a Principal in a college can be a person having the required degree in any subject taught at the college. We cannot but notice, immediately, that the notification in the present case, calling for applications to the post of Principals in the Sanskrit Colleges required qualification in *Acharya* or Masters Degree in Traditional Subjects.



24. The first challenge is on the Selection Committee having not been constituted in accordance with the University Act. The specific objection is raised in the writ petition at para-8. It is stated that the provisions under Section 57(1) of the Act was not adhered to and that it is not in compliance with the statute framed under Section 57B of the Act, which also provides for constitution of the Selection Committee for appointment against the post of Principal. The learned Single Judge has found that the appointment of the Selection Committee was made from the panel of experts proffered for the purpose of selection to the post of Professor. Section 57 of the Bihar State Universities Act, as it stood at the time of selection, has the nominal heading 'appointments of teachers and officers'. Section 57, as brought in by the Bihar State Universities (Amendment) Act, 2007, substituting the earlier provision by which selection was to be conducted by the Bihar State Universities (Constituent Colleges) Service Commission. By the amendment, the elaborate procedure prescribed by Section 57 was substituted with a provision regulating the constitution of the Selection Committee which had to make recommendations and provided a quorum for its meetings. Section 57(1) read with the Statute requires three



experts, not connected with the University, to be nominated by the Vice-Chancellor from a panel of not less than seven names approved by the Academic Council for each post of which at least one member should belong to SC/ST and two from outside the State. This was further amended, requiring the nomination to be from the ten names approved by the Academic Council.

25. The University in its counter affidavit dated 08.04.2016 filed in the writ petition had specifically averred that the Selection Committee was constituted in accordance with Section 57. The objection of the petitioners was also with respect to the three Experts having not been recommended by the Academic Council. The counter affidavit specifically points out that as per the earlier provision, the Academic Council had approved seven names by its meeting dated 07.12.2007 and later on amendment of the Statute, further three Experts were also approved by the Academic Council in its meeting dated 13.12.2008. The three Experts who were appointed have been named in the supplementary counter affidavit dated 04.09.2018 filed on behalf of the Respondent Nos. 7,10,23 and 24. They were Professor Kumar Raman Jha, Dr. Birsa Hans, both of whom were approved by the Academic Council as per Annexure-A, produced along with the counter affidavit of the



University dated 08.04.2016, at its meeting dated 07.12.2007. The third Expert is one Dr. Indrasen Singh, who was nominated by the Vice Chancellor as delegated by the Academic Council in its meeting dated 13.12.2008.

26. The Interview Committee also consisted of the Vice Chancellor as the Chairman, Professor Binod Kumar Singh, the Chancellor's nominee, Director of Primary Education, the Government nominee, Professor Radha Kant Mishra, senior most Principal/Head of the Department and the three Experts above referred. As far as the three Experts are concerned, they are not connected with the University, all of them being from outside the State and one of them is a member of the Scheduled Tribe, as is required under Clause (4) of Section 57 introduced by the Amendment Act of 2007. In the context of the constitution of the Selection Committee which has been specifically placed on record, we do not find any statutory infirmity in its constitution and all of the Experts are approved by the Academic Council.

27. We have to accept the contention of the University that the experts appointed for the purpose of appointment of Professors, includes a Principal, as is seen from the definition of teachers, under Clause 2(v) of the Bihar State



Universities Act, 1976, as it existed in the year 2008. It is also pointed out that later the definition of teacher was changed, omitting Principals, but again Principal was included by amendments brought in later. By an amendment Act of 2012 'Principal' was removed from the definition of 'Teacher' but later in 2017, again the word 'Principal' was included in that definition. It was also held in ***Dr. Raj Kumar Majumdar Vs. The State of Bihar; 2021(6) BLJ 129***, that Principals always remained under the category of Teacher. We cannot find any infirmity in the Constitution of the Selection Committee wherein the subject experts approved by the Academic Council for selection of Professors, were nominated for selection of Principals.

28. Now, we have to look at the chart produced in the supplementary counter affidavit filed on behalf of the respondent Nos. 7, 10, 23 and 24, which was projected by the writ petitioner before the learned Single Judge, to be the ground on which nepotism in interview was pointed out. The total marks in the procedure for selection was 100, the break-up of which is provided in the counter affidavit dated 08.04.2016 filed by the Respondent Nos. 3 to 5, in the writ petition. For academic performance 71 marks was set apart and for articles 9



marks and 20 marks for interview.

29. In so far as the marks awarded at the interview, one has to look at the supplementary counter affidavit dated 04.09.2018 filed on behalf of Respondent Nos. 7, 10, 23 and 24. Annexure R/A is the chart in which marks were awarded. We do not find even one candidate having been awarded with 20 marks but, however, there are persons who have been awarded with higher marks even up to 19 which by itself cannot lead to substantiation of the allegation of nepotism. We cannot find any illegality in the constitution of the Selection Committee as also the award of marks by the Selection Committee. Each of the Selection Committee members awarded separate marks, the average of which was taken. The quorum required of five with two a minimum of the experts also was maintained.

30. Now, we come to the question of disqualification alleged against some of the respondents who were impleaded as Respondent Nos. 6 to 27 in the writ petition. In this context, the report of the High Level Committee is very relevant. The report has been rejected in the impugned judgment as inconclusive since it was for the benefit of the Legislative Council. We are unable to countenance the above, especially



looking at the report itself which speaks of the High Level Committee having been constituted by the University by reason of the orders issued by this Court on 03.10.2018. The report before the Legislative Council was the one filed along with I.A. No. 899 of 2018 as Annexure-E, which has not been referred to in the impugned judgment.

31. The extracted report is of the High Level Committee appointed by the University which has been specifically referred to in the counter affidavit dated 10.10.2018 filed on behalf of Respondent Nos. 3 to 5, the official respondents. The Vice Chancellor's communication placed before the Chancellor pursuant to the report submitted before the Legislative Council, produced as Annexure-E in I.A. No. 899 of 2018, is referred to as Annexure-F produced in the very same I.A. Despite that the Vice Chancellor by communication dated 05.10.2018 produced as Annexure-B along with the cited counter affidavit sought for appropriate orders on the issue, from the Chancellor, specifically in deference to the orders passed by the Writ Court to take corrective measures. Annexure-C is the communication dated 09.10.2018 of the Chancellor authorizing the Vice Chancellor to examine the allegations and take necessary action. The Vice Chancellor of the University by



notification dated 09.10.2018 constituted a High Level Committee consisting of an ex-Vice Chancellor, and two Professors, one from New Delhi and the other from Lucknow. The notification is produced as Annexure-D and the terms of reference are also explicit from the same which specifically refers to CWJC No. 7039 of 2011. The High Level Committee was definitely constituted; though not directly in compliance with the orders of this Court, in pursuance of the orders of the Writ Court commanding the University to take corrective measures.

32. We have noticed the contention of the appellants that they were never put to notice of the report of the High Level Committee; which we also found to be true from the records of the case. However, the report has been extracted wholly in the impugned judgment and none of the appellants can claim that they were not put to notice of the report of the Expert Committee; at least before the appeal was instituted. In the above circumstances especially, since we have found the Selection Committee to be properly constituted and the selection also not vitiated on the allegations raised, we have to look at the exercise carried out by the High Level Committee.

33. The High Level Committee appointed by the



respondent-University to explore the corrective measures, suggested by the writ court, consisted of an Ex-Vice Chancellor and two Professors of Sanskrit University, all of whom were from outside the State. They perused the report of the Bihar Legislative Council and also conducted interview of the 22 Principals appointed, as also obtained relevant information regarding them. Except Dr. Anil Kumar Ishwar, who did not appear, all the Principals were interviewed again. The Committee noticed irregularities insofar as some of the Principals having been attached to unaided colleges. The remuneration was also minimal and hence, the Committee raised a suspicion as to whether they were appointed namesake or whether they were actually carrying on teaching work. However, the Committee, after considering the entire aspects, arrived at a finding that all the Principals appointed, except three of them, fulfilled the mandatory qualifications mentioned in the advertisement. Considering the nine years' service they had in the respondent-University as Principal and also the expiry of lien in their former employment, the Committee opined that they could be continued, except the three specified persons. It was also found that certain persons were not given any marks in the interview on the ground that they were not fit



as per the administrative point of view. One of such persons was the 1st petitioner, who had a good merit score of 71 marks. It was found by the High Level Committee that administrative experience was not a requirement in the advertisement. It was also found that the intervenor was given only four marks in the interview whereas the persons working without salary were awarded higher marks, which was found to be an irregularity.

34. We are of the opinion that there can be no irregularity found in the award of marks, especially since even the experts appointed in the original interview committee gave almost the same marks as others. We have perused the list of marks as produced in the counter affidavit, referred to earlier, which does not show any gross disparity in the marks awarded by the different members for a particular candidate. It is also to be observed that merely because the teaching experience was in unaided colleges, there cannot be a disqualification visited on anyone, especially since teaching experience in aided college was not a requirement. The assumption that they could have been namesake teachers, cannot be sustained in the context of no further inquiry having been conducted on those lines.

35. As far as the disqualification of certain candidates as unfit for reasons of no administrative experience,



we agree with the High Level Committee that it was not a requirement. But in considering persons to the post of Principal, if the Selection Committee considered it a necessary requirement, they could have assessed the candidates on that count too, but could not have totally excluded them. The 1st petitioner's disqualification was irregular and the Committee also notices that he had ten years of teaching experience as on the date of interview. In any event, we would not tarry much on the 1st petitioner's qualification since he is no more.

36. As far as the intervenor is concerned, we cannot agree with the Committee that the award of lesser marks, while awarding higher marks to those in unaided colleges, was an irregularity; especially since the Committee already found that there was no requirement for teaching experience in aided colleges. It has also to be observed that various factors regulate the award of marks at the interview and there cannot be any irregularity found in the marks awarded merely because another set of interviewers, at a subsequent period, interviewed the same persons and found some to be eligible for more marks.

37. On the totality of such circumstances as also giving due weightage to the opinion of the High Level Committee, we are of the opinion that the Principals appointed



in the year 2009 can be continued, but for the three persons who were found to be disqualified, whose continuance has to be considered individually.

38. The three persons who were found to be not qualified to be appointed, were Dr. Anil Kumar Ishwar, Dr. Rajendra Prasad Choudhur and Dr. Ashok Kumar Ajad. Two of them, Dr. Anil Kumar Ishwar and Dr. Ashok Kumar Ajad were found to be having Post Graduate and Ph.D. degrees in Hindi and English respectively. Whether this enables them to be considered for selection is the first question to be answered.

39. The requirement of educational qualification as was extracted hereinabove is *Acharya*/Masters Degree in Traditional Subjects with at least 55% of marks. The question arises as to what is a Traditional Subject.

40. We have looked at the decisions in ***Dr. (Mrs.) Annapurna Devi*** and ***Arvind Kumar Pandey*** (both Supra), wherein the question was decided as to whether a person having the required qualification in any of the subjects taught in the college could be appointed as Principal. We bow down to the declaration made by a coordinate Bench, but the same does not have an application here, even if Hindi and English are taught in the Sanskrit University, since the requirement of educational



qualification for appointment of Principal was *Acharya*, which is a qualification in Sanskrit or a Masters Degree in Traditional Subject, as distinguished from modern subjects. An attempt was made by the learned Counsel to contend that Hindi, Mathematics and English are Traditional Subjects, which we cannot accept, in the particular context of appointments to Sanskrit Colleges and the reference to Traditional Subjects in the notification calling for applications.

41. The supplementary affidavit dated 03.10.2023, filed by Dr. Ashok Kumar Ajad in LPA No. 1376 of 2019 also speaks of the Traditional Subjects being English, Hindi Psychology, Political Science and History, without any substantiation thereof. In fact, Annexure-C/6 produced along with the supplementary affidavit is the Guidelines and Syllabus of *Acharya* examination. There are specific subjects noticed as modern subjects which are : Hindi, Modern Mathematics, as distinguished from Vedic Mathematics, Economics, Political Science, Social Science, History and so on.

42. In such circumstances, what would be considered traditional subjects would be subjects which are taught under the head of Sanskrit for which also we get sufficient indication from Annexure-E/6, the Guidelines and



Syllabus of *Acharya* Examination of the respondent-University. Hence the eligibility for appointment as Principal in the Sanskrit Colleges, as per the notification herein is either *Acharya* or a Master in a traditional subject; meaning Sanskrit or related ancillary subjects.

43. We gave opportunity to all the three candidates, who were appointed and continuing as Principals, found to be not qualified for appointment by the High Level Committee to produce documents with respect to their qualifications.

44. Anil Kumar Ishwar, appellant in L.P.A. No.1408 of 2019 and respondent no.6 in the writ petition, has filed a second supplementary affidavit dated 11.10.2023. He has an M.Sc. (Mathematics), obtained in the year August, 1991, which is evident from the mark-sheet produced along with Annexure-A/1, series in the affidavit. He also has a qualification of Ph.D. in Mathematics, which document is also produced as Annexure-A/1 series, which is obtained in the year 1999. Annexure-A/2 is the guidelines and syllabus of the respondent-University from which he has obtained *Acharya* qualification. Annexure-A/3 series is produced to establish his *Acharya* qualification in *Falit Jyotish and Veda*. He is said to have



obtained qualification in *Falit Jyotish* in the year 1999 and *Acharya* qualification in *Veda* obtained in the year 2000. The document produced as guidelines and syllabus in the year 1999-2000 at clause 1.2 indicates that it will be applicable for the first year 1999-2000 and the second year in 2000-2001.

45. The *Acharya* course is of the duration of two years. The appellant is said to have acquired qualification of *Acharya* in the year 1999 in *Falit Jyotish* and in the year 2000 in the subject *Veda*. The appellant could not have continued two courses in the same year since he would have been in the second year of *Acharya* in *Falit Jyotish* in 1998-99 when he is said to have been studying in the first year of the course in *Acharya Veda*, in the year 1998-99, since he acquired later qualification in the year 2000.

46. The learned counsel would rely on the guidelines produced in the supplementary affidavit which in page-18 speaks of type of examinees as under:-

“Types of Examinees

Examinees shall be of two types:- Institutional (Regular) and Private.

(a) Students studying as per the rule in any institution after getting admission within three months of beginning of the session, shall be treated as institutional. Students different from this, shall be treated as Private.



(b) The Private students may also belong to places outside the state of Bihar.

(c) The Private examinee shall be entitled to obtaining examination form only after getting permission for examination from the university every year. It shall be the duty of Head of the forwarding institution that they shall forward the application form of students only after verifying their eligibility and shall keep the record related to their eligibility test safe.”

47. The above extract only indicates the University having conducted regular courses and also enrolled private students, the manner of instructions of which is not very clear from the guidelines itself. Even if the private registration is considered to be one of distance education, we find no enabling provision where students already studying a subject can enroll for another subject to obtain the very same qualification of *Acharya* from the University. The learned Senior Counsel in that circumstance pointed out the regulations from 2000 of the very same University which has also been produced as Annexure-B series from page 32 onwards. 12.1 was specifically pointed out, a translation of which is extracted hereinunder:-

“12.1 The students admitted as "private student" after passing "Shastri Examination after a period of one year (in the second year)" shall be admitted in Acharya First part and after passing first part shall be admitted for the second part examination in the next year.”



48. We are not convinced that this would enable the simultaneous participation in two courses, one in the final year and one in the first year, of two different subjects to qualify in the *Acharya* examination. This enables only the students admitted as private students, after passing the Shastri Examination, after a period of one year, to be admitted in *Acharya* first part and after passing first part to be admitted for the second part examination in the next year.

49. However, clause 11.6 of the very same guidelines has to be noticed which enables the students who have passed three years B.A. or B.Sc. including Maths as a subject, who are eligible for admission in *Acharya* Part I in Mathematics and *Falit Jyotish*. In the above circumstance, Anil Kumar Ishwar's qualification at least as *Acharya* in *Falit Jyotish* has to be found in his favour. The said candidate had a Post Graduate qualification in Mathematics and after that he has obtained a *Acharya* qualification in *Falit Jyotish*, the post of which satisfies the required qualification.

50. Rajendra Prasad Choudhur, appellant in L.P.A. No.1403 of 2019 and respondent no.10 in the writ petition, has also filed a supplementary affidavit dated 11.10.2023 producing his qualifications. He has produced a



regulation of the University of Bihar from which he has obtained a Post Graduate Qualification. The said candidate has obtained a Post Graduate Qualification in Sanskrit in the examination held in the month of January, 1988, a certificate of which is also produced as Annexure-1. Immediately thereafter, in December, 1988 he is said to have obtained his Post Graduate degree in Hindi, which created a confusion with respect to his Post Graduate Qualifications, which course normally has a duration of two years. The learned Senior Counsel appearing for the appellant has specifically pointed out clause 5 of the Regulations and the Rules applicable to the University which are extracted hereinunder:-

“5 (a) Any person holding a Master’s Degree in Arts may, on payment of the fee payable, be admitted to the M.A. examination in any other subject or any branch of the subject other than that in which he was previously examined;

Provided that no one shall be admitted to the M.A. examination in any subject for which a practical course is necessary unless he has completed.... ..work prescribed and obtained a certificate from the Principal to that effect.

(b) A candidate examined under clause (a) above, shall, if he attains the standard prescribed for the degree of M.A., be granted a diploma.”

51. The above extract also indicates that the persons holding a Master’s Degree in Arts, on payment of the fee could be admitted to a M.A. examination in any other



subject, other than that in which he was previously examined, subject to only the rider that such admission cannot be in a subject where a practical course is necessary. Clause (b) indicates that a candidate so attaining the standard prescribed for the degree of M.A. would be granted a diploma. Considering the above rule, it has to be found that the subsequent qualification obtained by the said candidate which is in Hindi, is only a Diploma. This does not disqualify the candidate from being selected as a Principal since he has an M.A. in Sanskrit from the very same University which was obtained first.

52. As far as Ashok Kumar Ajad, who is respondent no.16 in the writ petition, is concerned, the Committee found him to be not having M.A. in Sanskrit. The said candidate has obtained M.A. in English in the year 1992 and degree of *Acharya* in Sahitya in the year 2003, which later qualification enabled his appointment.

53. On the above verification of the qualifications, we find that even with respect to respondent nos. 6, 10 and 16 in the writ petition, against whom adverse comments were made by the High Level Committee, there cannot be a disqualification urged since they have the required qualification in *Acharya* or Post Graduate in Traditional



subjects.

54. On the above reasoning, we find that the writ petition was without merit. The writ petition itself was delayed and so was the intervenor application, the latter much more than that of the challenge made through a writ petition. We are not finding the writ petition to be bad only for the reason of delay occasioned. We have found that the Selection Committee was properly constituted, there cannot be any fault found in the marks awarded and the persons who were selected had required teaching experience. Insofar as the first writ petitioner is concerned, he should not have been disqualified. However, he is no more and we cannot be unsettling settled positions, especially as of now when the party respondents have continued for more than 14 years in the post to which they were selected. They were all working previous to their selection and they have lost their lien in their previous employment. We have found that there was no disparity in the marks awarded and the ranking cannot be faulted on the basis of the marks awarded as also the other parameters specified.

55. We have dealt with the three disqualifications as urged by the High Level Committee and found on the basis of the certificates produced that they have the required



qualifications. It is only proper that in the above circumstances, that the impugned judgment be set aside and the writ petition dismissed.

56. We allow the Letters Patent Appeals setting aside the impugned judgment and rejecting the writ petition. Though the party respondents in the writ petition were terminated after the judgment of the learned Single Judge, their termination did not come into effect by virtue of the interim order passed in the appeals. We find no reason to interfere with their continuance, some of whom are already retired.

57. The Letters Patent Appeals stand allowed without any order on costs.

(K. Vinod Chandran, CJ)

Partha Sarthy, J: I agree.

(Partha Sarthy, J)

Sujit/PKP/Sunil

AFR/NAFR	
CAV DATE	06.10.2023
Uploading Date	19.10.2023
Transmission Date	

