

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1148 of 2023

In
Civil Writ Jurisdiction Case No.261 of 2023

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The Registrar, Nalanda University, Rajgir, Nalanda, Bihar.

... .. Appellant/s

Versus

1. Prabhakar Sharma, son of Ramashray Singh, Resident of Aryapuri, Ratu Road, Near Manik Mansion Apartment, Police Station-Sukhdev Nagar, District-Ranchi, PIN-834001.
2. The Union of India through Secretary (EAST) Ministry of External Affairs, Jawaharlal Nehru Bhawan, New Delhi.
3. The Secretary (EAST) Ministry of External Affairs, Jawaharlal Nehru Bhawan, New Delhi.
4. The Secretary, Ministry of Finance, Government of India, New Delhi.
5. The Vice Chancellor, Nalanda University, Rajgir, Nalanda, Bihar.
6. The Professor Sunaina Singh, At Present Vice Chancellor, Nalanda University, Rajgir, Nalanda, Bihar.
7. The Director, Administration, Nalanda University, Rajgir, Nalanda, Bihar.
8. The Governing Board, Nalanda University through its Chairman (Chancellor, 34A, Vrindavan Society 2, Panchrati, Pashan Road, Pune 411008).
9. Nalanda University, Rajgir, Nalanda, Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Anjani Kumar, Sr. Advocate Mr. Alok Kumar Rahi, Advocate
For the Respondent/s	:	Mr. Siya Ram Shahi, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 28-01-2025

We have heard Mr. Anjani Kumar, the learned

Senior Advocate for the appellant and Mr. Siya Ram

Shahi, the learned Advocate for respondent No. 1.



2. The respondent No. 1, an Assistant Professor on contract, was served with an office order No. 859 dated 02.12.2022 by the Registrar of Nalanda University, communicating him that his appointment ceases to have effect and that his name is struck off from the roll of the University with immediate effect.

3. The aforementioned order was put to challenge by the respondent No. 1 before this Court vide C.W.J.C. No. 261 of 2023.

4. A learned Single Judge of this Court vide his judgment dated 28.08.2023 found the exercise of the powers by the Registrar of Nalanda University to be bad in the eyes of law and thus quashed the impugned communication. However, very consciously, the learned Single Judge, while remanding the matter to the University for taking a fresh call over the issue, clarified that any observation made by him in the judgment would not guide the independent view on the issue by the concerned authority and those observations were only



confined to the adjudication of the writ petition filed by respondent No. 1.

5. More than on merits, Mr. Anjani Kumar, the learned Senior Advocate is aggrieved by the remand order and that also primarily for the reason that after the passing of the present judgment under challenge, the respondent No. 1 has been paid his entire dues as if he was allowed to continue till the entire contractual period and, therefore, with such decision of the University, there would be no necessity of taking another call with respect to a decision regarding keeping the contractual appointment of respondent No. 1 subsisting in the roll of the University.

6. The sum and substance of his argument is that in cases of contractual appointment, the ambit and scope of judicial review is limited.

7. In support of the aforementioned submission, he has cited a decision of the Supreme Court in ***Gridco Limited and another vs. Sadanand : (2011) 15 SCC***



2016.

8. However, the paragraphs, which have been pointed out, clearly indicate that it is no longer open for the authority passing the order in question to argue that the action is in the realm of contract and, therefore, it is not open to judicial review.

9. We are at a loss to understand as to how the remand order could be questioned only on the ground that some development has taken place, especially in view of the fact that the entire salary of respondent No. 1 had been paid as if he were deemed to have continued for the entire period of his contractual engagement.

10. The appeal thus stands disposed off accordingly.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Rajesh/Saurabh

AFR/NAFR	NAFR
CAV DATE	NA
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