

Civil Writ Jurisdiction Case No.805 of 2025

- Petitioner/s

1. The State of Bihar through the Principal Secretary, Department of Education, Bihar, Patna.
2. The Principal Secretary, Department of Education, Bihar, Patna.
3. The Director, Higher Education, Bihar, Patna.
4. The Patna University, Patna, through its Registrar.
5. The Vice Chancellor, Patna University, Patna.
6. The Registrar, Patna University, Patna.
7. The Principal, Patna Law College, Patna.
8. The Principal, Science College, Patna.
9. The Principal, Patna Training College, Patna.

... .. Respondent/s

For the Petitioner/s	:	Mr. Sanjay Kumar, Adv.
For the Respondent/s	:	Mr. Nadim Seraj, GP-5
		Ms. Shalini, AC to GP-5
For the Patna University		Mr. Manish Dhari Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2. The learned counsel appearing on behalf of the
y submits that from perusal of the prayer made in the
ication, it appears that the petitioners are chasing a
t is next submitted that petitioners had earlier moved



this Court by filing C.W.J.C. No.4783/2017 and the same was disposed of by an order dated 01.05.2018 (Annexure-P/11). The learned counsel appearing on behalf of the University next submits that from perusal of the order dated 01.05.2018 in C.W.J.C. No.4783/2017, it would manifest that the petitioners had approached this Court, seeking a direction upon the University to take a final decision in respect of an advertisement, which was published in the year 2005 for appointment on several posts, as it was submitted by the learned counsel appearing on behalf of the petitioners that once the University invited application by publishing advertisement in the newspaper, the University was required to take selection process to its logical end, as inviting application is not an empty formality and public relation exercise, the University has not published the result, they are required to assign reason for closing the selection process in the mid way.

3. The learned counsel appearing on behalf of the University next submits that accordingly this Court granted the liberty to the petitioners to file a detailed representation before the Vice-Chancellor and the Vice-Chancellor was directed to decide the representation within a period of 60 days from filing of such representation. The learned counsel appearing on behalf



of the University next submits that the law is well settled that even mere empanelment in the merit-list does not give an indefeasible right of appointment to a candidate, the employer at any stage can decide not to appoint but then the reasons have to be germane. It is next submitted that the representation of the petitioners filed in terms of the order dated 01.05.2018 in C.W.J.C. No.4783/2017 before the Vice Chancellor of the University came to be rejected by an order dated 03.07.2023 (Annexure-P/12), which is impugned in the instant writ application. It is submitted that petitioners two years thereafter had moved this Court at their leisure with a prayer that the order impugned be set aside and the authorities be directed to regularize the services of the petitioners, as petitioners were appointed in the year 2000 by the then Principal, Law College, as driver and since then the petitioners have been working. The learned counsel for the University next submits that it was never the case of the petitioners before this Court, when they had moved by filing C.W.J.C. No.4783/2017, seeking a direction upon the University to regularize their services rather the prayer of the petitioners before this Court was for a direction upon the University to bring the 2005 advertisement to its logical end but now when their representation has been rejected by the order



impugned in the instant writ application, the prayer of the petitioners has changed. It is next submitted that the Principal of the College is not the authority competent to make any appointment, even on temporary basis, in terms of the University Act, as the order is vested with the Vice-Chancellor. It is further submitted that the appointment of the petitioners as driver in the college made by the Principal itself was illegal as the same was in absence of any advertisement and was without following the reservation policy, as such, merely because the Principal appointed the petitioners and they put in some years of service based on an illegal appointment, the same cannot give rise to a legitimate expectation to the petitioners seeking regularization.

4. The learned counsel appearing on behalf of the petitioners is not in a position to rebut the submission of the learned counsel appearing on behalf of the University.

5. The writ application is dismissed.

(Satyavrat Verma, J)

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