

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1693 of 2025

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Shashi Bhushan Prasad son of Late Kailash Sharma, Resident of At Anti, P.O. and P.S.-Kadirganj, District-Nawada, Bihar-805104.

... .. Petitioner/s

Versus

1. The Magadh University through the Registrar, Bodh Gaya.
2. The Honble Vice Chancellor, Magadh University, Bodh Gaya.
3. The Registrar, Magadh University, Bodh Gaya.
4. The Honble Chancellor, Governors Secretariat, Patna.
5. The Krishak College through the Principal (In-charge), Deodha, At and P.O.-Pakriwarawan, P.S.-Pakriwarawan, District-Nawada.
6. Dr. Devendra Kumar, son of Ramashish Prasad Singh, Resident of At and P.O.-Rukhai, District-Nalanda, present posted at Principal (In-charge), Krishak College, Deodha, At and P.O.-Pakriwarawan, P.S.-Pakriwarawan, District-Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Kaushik, Advocate
For the MU	:	Mr. Siddhartha Prasad, Advocate
For the Chancellor	:	Mr. Amish Kumar, Advocate
		Mr. Krishna Chandra Jha, Advocate
For the Resp. No. 6	:	Mr. Mrigank Mauli, Sr. Advocate
		Mr. Shyam Sundar Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 13-07-2026

Heard Mr. Kumar Kaushik, learned Advocate for the petitioner and Mr. Siddhartha Prasad, learned Advocate for the Magadh University. The respondent no. 6 is represented through Mr. Mrigank Mauli, learned Senior Advocate with Mr. Shyam Sundar Kumar, learned Advocate. Mr. Amish Kumar, learned Advocate appears on behalf of the Chancellor.

2. The challenge in the present writ petition is made to



order contained in Memo No. GIIIA/316/24 dated 07.12.2024 issued by the Magadh University, Bodh Gaya, whereby the Hon'ble Vice Chancellor has approved the appointment of respondent no. 6 as Principal (In-charge) of Krishak College, Deodha, Pakriwarawan made by the governing body in its meeting dated 05.11.2026.

3. The challenge to the aforesaid order is rested upon the ground that the petitioner is the senior most teacher in Krishak College, Deodha, Pakriwarawan affiliated to Magadh University duly selected by the governing body for appointment in the post of Lecturer in subject of Hindi vide Letter dated 13.12.1985, whereas, the respondent no. 6 was appointed as Lecturer in the subject of History on 08.10.1998 on the third post in the aforesaid subject. It is the specific contention of learned Advocate for the petitioner that Magadh University had approved the appointment of the petitioner on the basis of the recommendation made by Selection Committee, in terms with Section 57 (B) of the Bihar State Universities Act, 1976 (in short 'the Act'). The Selection Committee constituted under Section 57 (B) of the Act shall scrutinize the cases of teacher's appointed without recommendation prior to 19.04.2007 in the affiliated degree colleges on the basis of the qualification



enforced at the time of appointment. Accordingly, the Selection Committee recommended the case of the selection in its meeting dated 03.12.2016, and recommended the appointment of the petitioner as Lecturer in the subject of Hindi against the first post with effect from 17.02.1988. On the contrary, Magadh University had approved the appointment of the respondent no. 6 on the basis of recommendation made by the Selection Committee with effect from 24.11.2008 on the third post of Lecturer.

4. Per Contra, while refuting the contention of the petitioner, Learned Senior Advocate referred the counter affidavit filed on behalf of respondent no. 6 and categorically resubmitted that the answering respondent no. 6 has obtained the qualification of Ph.D. from Magadh University vide notification containing Memo No. V Exam (Conf.) B/2135/97 dated 13.08.1997, whereas the petitioner has not even obtained the degree of Ph.D. or having qualified NET/CET which is necessary for being appointed as a Lecturer.

5. In order to strengthen the aforesaid contention, reliance has also been placed on a decision of the learned Division Bench of this Court rendered in LPA No. 774 of 2024, wherein the learned Court while giving quietus to identical



litigation has ruled in no uncertain term that the seniority shall be reckoned with effect from the date of obtaining the Ph.D. which is presently *sine qua non* post of Assistant Professor

6. Learned Advocate for the University has also filed a counter affidavit reiterating the aforesaid legal position.

7. The learned Advocate for the petitioner is not in a position to refute the contention as raised by the learned Senior Advocate for the respondent no. 6 with regard to the factum that the petitioner is not having the qualification of Ph.D degree.

8. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that the petitioner is still not having the Ph.D degree and the issue has already been crystallized by the learned Division Bench of this Court in LPA No. 774 of 2024, this Court finds no merit in the writ petition.

9. Accordingly, the present writ petition stands dismissed.

(Harish Kumar, J)

siddharth/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.07.2026
Transmission Date	NA

