

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8586 of 2025

Hemnt Kumar Son of Jainandan, Resident of Village- Mainawan, P.S-
Kazisarai, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Human Resource Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Governor-cum-Chancellor of University of the State of Bihar, Raj Bhawan, Patna.
4. The Principal Secretary, to Governor-cum Chancellor of University of the State of Bihar, Raj Bhawan, Patna
5. The Vice Chancellor, Magadh University, Magadh University, Bodhgaya.
6. The Magadh University, Bodh Gaya through its Registrar.
7. The Registrar, Magadh University, Bodh Gaya,
8. The College Service Commission, Patna
9. The Secretary College Service Commission, Patna.
10. The Managing Committee, Wazirganj Mahavidyalay, Wazirganj (Gaya) through its Secretary.
11. The Secretary, Managing Committee of Wazirganj Mahavidyalay, Wazirganj (Gaya).
12. Sri Sunil Kumar, Prof Incharge, Wazirganj Mahavidyalay Wazirganj, S/o Saryu Lal, R/o Kajoon P.S- Atri, Dist- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Kamaluddin, Adv. Ms. Priya, Adv. Mr. Md. Gul Khan, Adv.
For the Respondent/s	:	Mr. Vivek Prasad, GP-07 Mr. Sanjay Kumar, AC to GP-7 Ms. Roona, AC to GP-7
For the University	:	Mr. Pankaj Kumar Singh, Adv.
For the Chancellor	:	Mr. Amish Kumar, Adv. Mr. Krishna Chandra Jha, Adv. Mr. Satish Kumar Mehta, Adv.
For the Resp. No. 12	:	Mr. Shrinandan Prasad Singh, Sr. Adv. Mr. Kumar Sameer, Adv.
For the BSUSC	:	Mr. Tuhin Shankar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-02-2026

Heard the parties.



2. The petitioner has approached this Court seeking a direction from this Court to declare the resolution no. 'Gha' dated 26.02.2024 taken by Managing Committee of the Wazirganj Mahavidyalay, Wazirganj, Gaya by which the respondent no. 12 has been declared suitable Assistant Professor to function as In-charge Principal of the said college is wholly illegal and unsustainable, besides the fact the petitioner no. 12 has been appointed by ignoring the claim of the petitioner.

3. Learned Advocate for the petitioner submitted that the respondent no. 12 has been appointed as an In-charge Principal, despite the fact he does not possess Ph.D degree, besides ignoring the claim of the petitioner that he is senior to the respondent no. 12. Reliance has also been placed on a decision rendered by learned Division Bench of this Court in L.P.A. No. 774 of 2024, wherein the Court has been pleased to hold that Ph.D eligibility is necessary to occupy the post of Assistant Professor, as such also for the post of In-charge Principal of the college.

4. Mr. Shrinandan Prasad Singh, learned Senior Advocate refuting the aforesaid contention submits at the Bar that there is no specific prescription to possess the Ph.D degree for the purposes of holding the post of In-charge Principal. So



far the claim of the petitioner regarding his seniority, the same is not correct as it is the respondent no. 2 who joined on the post of lecturer prior to the petitioner. Moreover, the petitioner had neither participated and applied even for being made In-charge Principal, nor he appeared before the Committee for interview, hence there is no question of assignment as In-charge Principal in college.

5. Learned Advocate for the University apprised this Court that the order of the Managing Committee appointing the respondent no. 12 as In-charge Principal of the college has approved by the Registrar of the University vide letter no. 258 dated 12.04.2025 and since then he has been discharging his duty.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the nature of the dispute regarding qualification for appointment for assignment to the post of In-charge Principal of the college, this Court deems it fit and proper to relegate the matter before the Registrar of the Magadh University, who shall look into the matter and take an appropriate decision with regard to the eligibility of the respondent no. 12 to hold the post of In-charge Principal of the college in question, keeping in mind the



relevant statutes/notification issued by the University as well as the order passed by the learned Division Bench of this Court in L.P.A. No. 774 of 2024.

7. The entire exercise must be completed within a period of ten weeks’ from the date of receipt/production of a copy of this order.

8. The writ petition stands disposed off.

(Harish Kumar, J)

supratim/-

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