

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17513 of 2025

Subhash Chandra Yadav Son of Kunj Bihari Yadav, resident of -
Raghunathpur Dakshin, Ward No.03, Near Bank of Baroda, Raghunathpur,
District- Araria, preasently posted as Assistant Professor in the Department of
Geography, Anoopal Yadav College, Triveniganj, Supoul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Vice Chancellor, B.N. Mandal University, Madhepura.
4. The Registrar, B.N. Mandal University, Madhepura.
5. The Secretary, Governing Body of Anoopal Yadav Mahavidyalaya, Triveniganj, Supaul.
6. The Chairman, Selection Committee of Anoopal Yadav Mahavidyalaya, Triveniganj, Supaul.
7. The Principal, Anoopal Yadav Mahavidyalaya, Triveniganj, Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Adv.
For the Respondent/s	:	Mr. Madhaw Prasad Yadav, GP-23 Mr. Meera Singh, AC to GP-23
For the Priv. Resp. 5 to 7:	:	Mr. Bajrangi Lal, Adv.
For the University	:	Mr. Ashar Mustafa, Adv. Ms. Anita Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 03-02-2026 Heard learned Advocate for the respective parties.

2. The challenge in the present writ petition is made to letter no. 8725 dated 06.08.2025 issued under the signature of respondent no. 5 by which the respondent no. 7 has been appointed as Principal of the College. The petitioner also sought quashing of Memo no. G.S.(744/25)-1043/25 dated 07.08.2025



by which the University has granted approval to the order of appointment of respondent no. 7 as Principal of the College in question.

3. Learned Advocate for the petitioner while assailing the impugned order submitted that the revised statute prescribing qualification and procedure for selection of Teachers, including Principals for affiliated Colleges, not maintained by the State Government, as contemplated under Section 57(B) of the Bihar State Universities Act, 1976 clearly prescribes the calculation of the marks as per the qualification of a candidate. Referring to the afore-noted statute, it is submitted that as per the comparative details of the petitioner and respondent no. 7, the petitioner has secured 73 marks, whereas the respondent no. 7 got 42 marks. Besides the aforesaid facts, it is further contended that the respondent no. 7 also having not possessing 55% in Post Graduate in terms with the U.G.C. regulation, and further he has exceeded the upper age limit of sixty years and lacks a satisfactory academic record. Besides the aforesaid fact, the Chairman of the Selection Committee was cousin of the respondent no. 7 and, as such, the entire selection process was tainted with *malafide* and biasness.

4. To support the aforesaid contention, reliance has been placed on a decision rendered by a Bench of this Court in



C.W.J.C. No. 2463 of 2011 where the Court after having found that one of the selected candidate was the son of Mukhiya and the selected candidate happened to be brother-in-law of the Panchayat Secretary; held that the selection made on the post of Panchayat Teacher is not above the board and accordingly, upheld the direction of the Appellate Authority to hold a fresh exercise of counseling.

5. A decision of the learned Division Bench of this Court passed in L.P.A. No. 1225 of 2016 has also been placed before this Court to bolster the afore-noted submission, where the Court held that the participation of the husband of the appellant in the selection process where his wife is one of the candidate, cannot be said to be fair process of selection.

6. On the other hand, learned Advocate for the University as well as the learned Advocate for the respondent nos. 5 to 7 refuting the aforenoted contention submitted that the order impugned has been passed in terms with the prescriptions of the advertisement as well as the statutes governing the appointment of the Principal of the College. However, to support the aforesaid contention, they sought a short adjournment to ensure filing of the counter affidavit.

7. Having considered the submissions advanced by learned Advocate for the petitioner as noted hereinabove, this



Court deems it fit and proper to direct the Vice Chancellor of the University to look into the matter with regard to the requisite qualification and eligibility of the respondent no. 7 to hold the post of Principal of the College in question, in terms with the statutes and the notification referred hereinabove, and further to get the enquiry conducted as to whether the respondent nos. 5 and 6 are cousin of respondent no. 7 and the entire selection process for appointment to the post of Principal have carried out in a fair and impartial manner.

8. The entire exercise must be completed preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

9. It is expected that the Vice Chancellor of the B.N. Mandal University, Madhepura shall pass a reasoned and speaking order to the averments made in the writ petition and the contentions noted hereinabove.

10. The writ petition stands disposed off.

(Harish Kumar, J)

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