

ITEM NO.MM 8B+8A

COURT NO.8

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SLP(C)....CC NO. 14775 of 2011

(From the judgment and order dated 3/8/2011 in CWJC No.12535/2011 of the High Court of Judicature at Patna)

PRAVEEN KUMAR

Petitioner(s)

VERSUS

PRAMOD KUMAR SHARMA &amp; ORS.

Respondent(s)

(With appln.(s) for permission to file SLP and prayer for interim relief and office report)

WITH

IA Nos. 1-3 IN

Petition(s) for Special Leave to Appeal (Civil) No(s).11529-11531/2011

(From the judgement and order dated 05/04/2011 in LPA No.358/2011 in CWJC No.17804/2009 with IA No.1565/2011 and IA No.1566/2011 of the High Court of Judicature at Patna)

OM PRAKASH SINGH &amp; ORS.

Petitioner(s)

VERSUS

BIMAL PRASAD SINGH &amp; ORS.

Respondent(s)

(For extension of time and office report)

Date: 07/09/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s)

Mr. Neeraj Jain, Sr.Adv.  
Mr. Samir Ali Khan, Adv.  
[SLP(C)....CC NO. 14775 of 2011]

Mr. P.P. Rao, Sr.Adv.  
Mr. Amit Pawan, Adv.  
Mr. D.K. Pandey, Adv.  
[SLP(C)No(s).11529-11531/2011]

For Respondent(s)

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UPON hearing counsel the Court made the following  
O R D E R

Taken on board.

SLP(C)....CC NO. 14775 of 2011:

Permission to file the special leave petition against order dated 3.8.2011 in Civil Jurisdiction Case No.12535 of 2011 "Pramod Kumar Sharma versus The Chancellor, Magadh University, Patna and others" is granted.

We have heard learned counsel for the petitioner and perused the record.

We are prima facie satisfied that the Division Bench of the High Court committed serious error in entertaining a writ petition filed by way of public interest litigation questioning the process of selection

for appointment of the Principals of 22 constituent colleges of Magadh University and passed an unusual interim order staying the interviews being conducted ignoring that the selection was being held pursuant to the directions given by this Court in SLP(C)Nos.11529-11531 of 2011 "Om Prakash Singh and others versus Bimal Prasad Singh and others".

Issue notice, returnable in eight weeks, on the special leave petition. Dasti, in addition, is permitted. Issue notice on the prayer for interim relief as well. Dasti, in addition, is permitted.

In the meanwhile, operation of order dated 3.8.2011 passed by the Division Bench of the High Court in C.W.J.C. No.12535 of 2011 shall remain stayed.

This would necessarily mean that the process of selection which was initiated pursuant to the direction given by this Court in SLP(C)Nos.11529-11531 of 2011 "Om Prakash Singh and others versus Bimal Prasad

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Singh and others" shall continue. The selection must be completed within a period of six weeks from the date of receipt of copy of this order.

We further direct that till the finalisation of selection, the petitioners in SLP(C)Nos.11529-11531 of 2011 shall be allowed to continue in their present position.

The Registry is directed to communicate this order to the Registrar, Magadh University, Bodh Gaya, Bihar by fax.

I.A. Nos.1-3 in SLP(C)No(s).11529-11531/2011:

In view of the order passed in SLP(C)...CC No. 14775 of 2011 "Praveen Kumar versus Pramod Kumar Sharma and others", no order is required to be passed in these interlocutory applications.

(A.D. Sharma)  
Court Master

(Phoolan Wati Arora)  
Court Master