

ITEM NO.19

COURT NO.11

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

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 I.A.No.1565 of 2011 and
I.A.No.1566/2011 of The HIGH COURT OF PATNA)

OM PRAKASH SINGH & ORS.

Petitioner(s)

VERSUS

BIMAL PRASAD SINGH & ORS.

Respondent(s)

(With prayer for interim relief)

WITH SLP(C) NO. 12390 of 2011

(With prayer for interim relief and office report)

Date: 06/05/2011 These Petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr.P.P.Rao,Sr.Adv.
In SLP(C)No.11529- Mr. Jayant Kumar Mehta,Adv.
11531/2011 Mr.Rajesh Kumar Singh, Adv.

IN SLP(C)No.12390/ Mr.K.Vishwanathan, Sr.Adv.
2011 Mr.Sanjeev K.Singh, Adv.
Mr.Avinash Kumar, Adv.
Mr.Ajit Kumar, Adv.
Mr. Siddhartha Chowdhury, Adv.

For Respondent(s)

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

The petitioners are aggrieved by order dated 05.04.2011 passed by the Division Bench of the Patna High Court whereby the Letters Patent Appeal filed by them against the order of the learned Single Judge who quashed their selection and appointment as Principals of the colleges affiliated to Magadh University, Gaya.

We have heard learned senior counsel for the petitioners and perused the record.

2

In our view, the detailed reason assigned by the learned Single Judge for nullifying the selection and appointments of the petitioners was legally correct and the Division Bench did not commit any error by refusing to interfere with the order of the learned Single Judge. But, at the same time, we feel that while dismissing the Letters Patent Appeal, the Division Bench should have clarified that the University shall make fresh selection in

accordance with the extant statutes, rules and regulations without taking into consideration the directions given by the learned Single Judge.

The special leave petitions are accordingly dismissed with the direction that the University shall make fresh selection from amongst those who had applied pursuant to the advertisement issued on 25.10.2008 strictly in accordance with the relevant statutes, rules and regulations and without being influenced by the directions given by the learned Single Judge in the last portion of the order passed by him.

The University shall complete the process of selection within a period of four months. Till then, the petitioners shall be allowed to continue in their present position. However, it is made clear that this shall not create any equity in favour of the petitioners.

The Registry is directed to send a copy of this order to the Registrar, Magadh University, Bodh Gaya by fax.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master