

(2011) 09 SC CK 0020

In the Supreme Court Of India

Case No : SLP (C) No's. 27644, 27725 of 2011

Subhas Prasad Sinha

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 29-09-2011

Acts Referred:

Bihar State Universities Act, 1976 — Section 10(2)

Citation : (2012) 1 JLJR 407

Hon'ble Judges : S.J. Mukhopadhaya, J;G.S. Singhvi, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. These petitions are directed against the judgment of the Division Bench Patna High Court, whereby the Letters Patent Appeals filed by the Petitioners were dismissed and the order passed by the Ed. learned Single Judge quashing the appointment of the Petitioners as Vice-Chancellor to Veer Kunwar Singh University, Ara and Magadh University, Bodh Gaya respectively was upheld. Both the learned Single Judge and Division Bench, after considering the pleadings of the parties and going through the records, concurrently held that the Chancellor had appointed the Petitioners as Vice-Chancellors without complying with the requirement of consultation envisaged u/s 10(2) of the Bihar State Universities Act, 1976.

2. We have heard Shri P.P. Rao, learned senior counsel for the Petitioners and persued the record.

3. In our view, the reasons assigned by the learned Single Judge for quashing the appointment of the Petitioners are legally correct and the Division Bench of the High Court did not commit any error by refusing to interfere with the order passed by him.

4. The Special Leave Petitions are, accordingly, dismissed.

5. However, it is made clear that the impugned judgment as also the order passed by the learned Single Judge shall not preclude the Chancellor from making fresh appointments in accordance with law by considering the candidature of all eligible candidates including the Petitioners.

6. It is needless to say that this Court has not expressed any opinion on the eligibility and merit of any of the candidates.