

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2048 of 2015

Dr. Sushil Jha, S/o Late Magni Jha, Resident of Professors' Colony, Dighi (West),
Near B.S.N.L. Tower, P.S. Darbhanga Town, District Darbhanga. Petitioner

Versus

1. The Lalit Narayan Mithila University, Darbhanga through its Registrar.
2. Vice Chancellor, Lalit Narayan Mithila University, Darbhanga.
3. Registrar, Lalit Narayan Mithila University, Darbhanga. Respondents

Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Adv.

For the Respondent/s : Mr. Chandra Mohan Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 09-03-2015

Impugned order is Annexure-8, by virtue of which the present petitioner stands transferred from the University to Marwari College, Darbhanga. Petitioner has assailed the decision of the Vice Chancellor issued under the signature of the Registrar, dated 18.10.2014. Many a things have been urged at the bar but every submission is required to be taken into consideration for the simple reason that some of the core issues are raised, which are questions of law, has not been answered by the University.

The first question is whether the Vice Chancellor has necessary powers vested in him under Section 10(11) of the Bihar State Universities Act, 1976 to affect such transfer. The obvious answer is no, which has already been decided by this Court in the case of Dr. Deo Chandra Choudhary Vs. The L.N. Mithila University & Ors. in C.W.J.C. No. 22145 of 2014.

The second objection of the petitioner also merits consideration that there is a statute in place and there is a committee, which is supposed to recommend the parameters and the guidelines for transfer of teachers; when and why the committee bypassed in breach of the statute; and why the Vice Chancellor usurped the power, all these questions are not answered in the counter affidavit.

In the counter affidavit, however a lame kind of excuse has been offered for such transfer and simply a plea has been taken that by transfer an adjustment is being made for better administration within the parameters of the post available at the University and the so called directive issued by the Chancellor, which has not yet been brought on record along with counter affidavit.

The Court comes to a considered opinion that the explanation offered on behalf of the University does not meet the requirements of law. The impugned order of transfer contained in Annexure-8 in so far as relates to the petitioner is required to be quashed and is quashed. The University Authorities, however, have freedom to act in accordance with law and the statute.

Writ is allowed.

(Ajay Kumar Tripathi, J.)

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