

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3967 of 2015

1. Dr. Shio Person Singh S/o Late Vishwanath Singh R/o Mohalla Campus of V.K.S.U. Ara, Quarter No. 4, P.S. Nawada, District Bhojpur.

.... .... Petitioner/s

Versus

1. The Vice Chancellor Veer Kunwar Singh University, Ara.

2. The Registrar, Veer Kunwar Singh University, Ara (Ex Programme Co-ordinator N.S.S.).

3. Dr. Dhayanaendra Kumar, Co-ordinature of College Development, Committee of Veer Kunwar Singh University, Ara.

4. Dr. G.S. Chaudhary, College Inspector Science as Incharge of the Registrar, Veer Kunwar Singh University, Ara.

5. Dr. Prasunmjay Kumar Sinha, temporary Incharge of the Programme Co-ordinator, Veer Kunwar Singh University, Ara.

6. Finance Officer, Veer Kunwar Singh University, Ara.

.... .... Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Shyama Kant Singh

For the Respondent/s : Mr. Sarva Deo Singh

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

ORAL JUDGMENT

**Date: 18-05-2015**

Right of the petitioner can only flow provided there are statutes and rules which condone his conduct.

The issue is imposition of market rent for the official accommodation which the petitioner continues to be in occupation since 2010 illegally.

Petitioner was initially made Coordinator of NSS of the University as a stopgap arrangement. After a permanent Coordinator was appointed, petitioner was reverted back to his parent college, which is supposed to be Shershah College, Sasaram. Instead of obeying the order of reversion, petitioner filed CWJC No.3515 of 2010. Writ was taken up and dismissed on 8.9.2010 not finding any

merit in the challenge so thrown.

In normal course of things, the petitioner should have vacated the quarter and handed over the possession thereof at Ara and peacefully went back to his parent college at Sasaram but he continued to be in illegal occupation all the while despite several notices and refused to vacate. Now, he has bundle of cards in his hand trying to show that there are marriages fixed in the family and he should be shown indulgence till those marriages get over. Indulgence can only be shown provided there is fairness and reasonableness in the conduct. The petitioner has been in illegal occupation since 2010 we are in May 2015. In the opinion of the Court, petitioner has already overstayed his invitation beyond the permissible limits as well as indulgence shown by the respondent University authorities.

It is open to the University, therefore, to effect recovery of market rent as well as take steps for eviction, if necessary, if the petitioner despite holding a responsible post of an Assistant Professor conducts himself in this manner.

Writ application has no merit. It is dismissed.

**(Ajay Kumar Tripathi, J)**

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