

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18463 of 2014

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1. Dr. Chandrashekhar Saha Son of Late Jamuna Prasad, 194 Surajpuri, P.O. - Ara,
P.S. - Ara Town, District- Bhojpur at Ara at present working as Principal, H.D.
Jain College, Ara.

.... Petitioner/s

Versus

1. The Chancellor Universities of Bihar, Governor's Secretariat Raj Bhawan, Patna.
2. The Principal Secretary to the Governor, Raj Bhawan, Patna.
3. The Officer on Special Duty (Judl), Governor's Secretariat, Raj Bhawan, Patna.
4. Veer Kuwar Singh University, Ara through its registrar.
5. The Vice Chancellor, Veer Kuwar Singh University, Ara.
6. The Registrar, Veer Kuwar Singh University, Ara.
7. Dr Janeshwar Singh, Father's Name Not Known Mohalla - New Parari, P.O. -
Ara, P.S. - Nawada Ara, District - Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Respondent/s : Mr. Sarva Deo Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 20-01-2015

Today a counter affidavit on behalf of the Hon'ble Chancellor has been filed. After going through the same, it is evident that whatever be the stand of the private respondent no. 7, the present petitioner has been notified and has joined the College in question, though technically handing over charge is being seriously disputed by private respondent no. 7.

Private respondent no. 7 has already spent five years in the College in question. He does not have a right to continue preparatory to retirement. He is free to approach the

Vice-Chancellor of the University who will consider his request for transfer to any other College sympathetically.

The alternative argument of the learned senior counsel for private respondent that the order of transfer is vulnerable in law, cannot be tested in the present writ application of the petitioner. For the same, the said respondent has legal right and remedy.

The writ application is allowed with liberty to the private respondent to do the needful in terms of the option indicated in earlier part of the order. No interference with the order of transfer is required to be made.

It is made clear that the Vice-Chancellor of the University will take a decision on the representation of the private respondents within three weeks of its filing.

(Ajay Kumar Tripathi, J)

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