

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15670 of 2013

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Arun Kumar Sinha, Son of Shri Beni Prasad Sinha Resident of Mohalla- Parti Tola,
P.S- Town, District- Muzaffarpur.

.... Petitioner

Versus

1. B.R.Amedkar Bihar University, Muzaffarpur through its Registrar.
2. Vice Chancellor, B.R.Ambedkar Bihar University, Muzaffarpur.
3. Registrar, B.R. Ambedkar Bihar University, Muzaffarpur.
4. B.P.S. College, Desari, Vaishali through its Secretary.
5. Principal, B.P.S. College, Desari, Vaishali.

.... Respondents

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Appearance :

For the Petitioner : Mr. Abhinav Srivastava, Advocate

For the Respondents : Mr. Harendra Kumar Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 03-11-2015

Petitioner filed the writ application, which was registered on 12.08.2013, when the respondents B.R. Ambedkar Bihar University, Muzaffarpur issued a notification dated 09.07.2013 contained in Annexure-13. He is aggrieved by certain part of the direction issued by the Registrar of the University wherein the Principals of the Colleges whose names figure in the said notification of Annexure-13, were requested to take steps for election of teachers' representatives as well as donors' representative. Name of the college with which the present petitioner is concerned also figures in the list of colleges contained in Annexure-13.

Petitioner claims himself to be a donor member and he also claims that he was elected as a donor member in an election held on 2nd of February, 2013. Since the life of an elected donor representative is valid for a period of three years, therefore, there was no occasion for

the University to direct the Principal of the College to hold yet another election for donors' representative.

Learned counsel for the petitioner vehemently argues that there is no dispute with regard to the election. Even the University had not indicated anything in the counter affidavit with regard to validity of the election and if that be so then where is the occasion for issuance of Annexure-13 with such a direction.

An ad hoc committee is in place. A regular committee is required to be put in place. Annexure-13 was issued on 09.07.2013. This notification or direction is more than two years old. There is nothing to indicate that any exercise has been carried out in furtherance to the said direction. The matter is not related to the college of the present petitioner but many other colleges. This Court is not unmindful of the fact that ever since the State of Bihar decided to release grants and aids to all educational institution of such kind, the pressure to get into the managing committee by one method or the other has increased.

The Court has very meticulously gone through the various communications and annexures which have been brought on record by the petitioner himself. The quick succession and the manner in which the communication and the so called election of donors' representative has been held does not instill confidence in the Court that this was a valid kind of election held under the supervision of any representative of the University which would lend some credence to the exercise so done. Obviously all these inputs and the manner in which

such elections have been conducted led the University to issue notification contained in Annexure-13 seeking a fresh election of teachers' representative as well as donors' representative.

Adhocism has prevailed enough. Ad hoc committee in place has lost its life and utility. The time has come when a regular committee should be constituted in terms of the statute as well as the statutory provision under the Bihar Universities Act.

The Vice Chancellor, therefore, is directed to ensure that the entire exercise is completed and regular managing committee are put in place. He also has an obligation to ensure that wherever the election of teachers or donors' representative is required to be held, it will be held under the supervision of an observer to be appointed by the University authorities who shall certify the fairness of such election and conduct thereof.

In view of the above, the Court is not inclined to interfere with Annexure-13. The direction issued as above to the Vice Chancellor must be carried out within a reasonable time frame preferably within a period of four months from today.

This writ application is disposed of with the above directions.

(Ajay Kumar Tripathi, J.)

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