

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11573 of 2014

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Dr. Shyama Roy W/o Shri Kumaresh Prasad Singh resident of Dr. S. Pandey
House, Rajendra Nagar Road No. 10b, P.S. Kadam Kuan, District Patna.

.... Petitioner/s

Versus

1. The Vice Chancellor Magadh University Bodh Gaya .
2. The Registrar, Magadh University, Bodh-Gaya.
3. The Hon'ble Chancellor, Bihar Raj Bhawan, Patna.
4. The Under Secretary, Governor Secretariate, Bihar Raj Bhawan, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s :- Mr. Maya Nand Jha, Adv.

For the Hon'ble Chancellor :- Mr. Rajendra Kumar Giri, Adv.

For the University :- Mr. K. N. Singh, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 21-07-2015

Heard learned counsel for the parties.

2. Having regard to the fact that in this writ application the petitioner had assailed an order passed by the Hon'ble Chancellor dated 28.5.2014 recalling an earlier order of transfer of the petitioner to Magadh University dated 18.2.2013 operation whereof got stayed by an interim order of this Court dated 19.8.2014, while this Court is not inclined to interfere with the order of recall of transfer of the petitioner keeping in view that the petitioner has already filed a review application before the Hon'ble Chancellor, this Court, at the same time, would find it necessary to observe that the issue of payment of salary for the period 27.2.2013 when she was allegedly

joined in Magadh University till today shall be also gone into by the Hon'ble Chancellor while deciding the review application of the petitioner.

3. It goes without saying that if the petitioner has filed a review application both in respect of recall of her order of transfer dated 18.2.2013 as also claims payment of salary for the period 27.2.2013 till today i.e. 21.7.2015 either on the strength of the order of Hon'ble Chancellor or in terms of the order of this Court, any decision by the Hon'ble Chancellor shall be passed after giving notice and/or opportunity of hearing not only to the petitioner but also to the Vice Chancellor/Registrar of the Magadh University as well as Vice Chancellor/Registrar of the B.N. Mandal University.

4. For the present, the petitioner must report back to her original post in B.N. Mandal University from where she was sought to be transferred to Magadh University on her own request.

5. Before parting with, this Court would also make it clear that though the Hon'ble Chancellor has been vested with power for making inter-university transfer, the same would require some more transparency, inasmuch as, if such inter-university transfer is made, there has to be some sort of policy containing mechanism including general notice to all the persons seeking transfer from one University to other so that the unnecessary allegation of arbitrary exercise of

power in the matter of inter university transfer is avoided by the highest office of this State.

6. With the aforementioned observation, this application is disposed of.

(Mihir Kumar Jha, J)

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