

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.423 of 2015

In

Civil Writ Jurisdiction Case No. 21776 of 2014

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1. The L . N . Mithila University , Darbhanga through its Registrar.
 2. The Vice Chancellor, L.N. Mithila University, Darbhanga.
 3. The Registrar, L.N. Mithila University, Darbhanga.

.... Appellant/s

Versus

1. Dr. Narayan Jha son of Late Bilat Jha, resident of Professor Quarters no. 6, Quila Ghat, P.S. Laheriasarai, District- Darbhanga.
2. Principal, CM Colleg, Darbhanga.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.Yugal Kishore Sr. Adv.
Mr.Ajay Behari Sinha and Mr. Chandra
Mohan Singh
For the Respondent/s : Mr. Abhinav Shrivastava

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 01-05-2015 This appeal is preferred against the order in
C.W.J.C.No.21776 of 2014, which in turn, was filed challenging



the Notification dated 08.12.2014 issued by the Registrar of Lalit Narain Mithila University. Through the said Notification, first respondent herein, an Associate Professor in the department of Maithili, CM College, Darbhanga, has been sent up for deputation to DBKN College, Narhan. Through the said Notification one Dr. Shantinath Singh Thakur, Assistant Professor, Department of Maithili, M.I.S.M. College, Darbhanga was brought on deputation in place of first respondent.

The first respondent filed C.W.J.C.No. 21776 of 2014 challenging the said Notification. He pleaded, inter alia, that the question of deputation of teachers, in the same University does not arise and the Notification was issued in malafide exercise of power by the Vice Chancellor.

The learned Single Judge allowed the writ petition through order dated 13.01.2015. The same is under challenge.

Heard Mr. Yugal Kishore, learned Senior Counsel for the appellants and Mr. Abhinav Shrivastav, learned counsel for the respondents.

It is brought to our notice that the University has its own procedure for effecting transfers. It is not in dispute that the University is the unit of appointment for the Professors, Associate Professors and Assistant Professors in various departments in general or in constituent colleges. Naturally an incumbent so

appointed can be transferred from one institution to another. However, in the process of effecting transfer the University is required to follow its own guidelines, be it as regards the identification of place of transfer, or the incumbent to be transferred. In case the transfer of the first respondent became necessary, the prescribed procedure was required to be followed. The question of deputation will arise only when the employee is required to work in different units of appointment or under different employer. For example, a Lecturer or Professor can be deputed by one University to another University. The question of deputation of teaching staff in the same University does not arise. The learned Single Judge set aside the impugned Notification so far as it pertains to first respondent.

We do not find any basis to interfere with the same. The appeal is dismissed. The interlocutory application, if any, shall also stand disposed of. There shall be no order as to costs.

B.Roy/-

(L. Narasimha Reddy,CJ)

(Sudhir Singh, J)

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