

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2877 of 2015

1. Dr. Ranjeet Kumar Son of Ram Babu Singh, Resident of Village - Amraur, P.O. - Singhaul, P.S. - Muffasil, District - Begusarai at present working as Assistant Professor, P.G. Deptt of Political Science, J.P. University, Chapra.

.... Petitioner/s

Versus

1. The Chancellor Universities of Bihar, Raj Bhawan, Patna.
2. The Vice Chancellor, Jai Prakash University, Chapra. null null
3. The Registrar, Jai Prakash University, Chapra.
4. The Principal, B.P.S. College, Bhore, District - Gopalganj.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Navin Prasad Singh
Mr. Narayan Singh
For the Respondent/s : Mr. Anjani Kumar, Sr. Advocate
Mr. Mrigendra Kumar

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 23-03-2015

Heard learned counsel for the parties.

There are two infirmities, which is evident from reading of Annexure-11 as well as the explanation offered by the university in the two counter affidavits. One is that there is no clear indication as to why section 10 (11) of the Bihar State Universities Act, 1976 has invoked, when there is specific statutory power provided for effecting transfer. In addition to that there is already a statute in place, duly notified by the Hon'ble Chancellor and there is a "Committee", set up in every university to go into the aspect of transfer and recommend the same. The "Committee" has been totally bye-passed and the

decision has been taken at the instance of the Vice-Chancellor without any explanation as to why he shall not abide by the rules or the statute. The other glaring aspect is that varying stands have been taken by the respondents to justify the transfer, contained in Annexure-11 in the two counter affidavits. The reason for transfer cannot keep varying or improving with every affidavit, filed on behalf of the university.

For the reasons mentioned above, the impugned order, contained in Annexure-11, dated 03.01.2015 is quashed. Writ application is allowed. However, the Court allows the university authorities to take a fresh decision in accordance with law.

(Ajay Kumar Tripathi, J.)

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