

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1233 of 2015

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1. Sanjay Kumar Mishra S/o Late Gopal Mishra R/o Village Navneet Nagar, Kamaldah Path, Gulzarbagh. At present Routine Clerk Jagat Narayan lal College (M.U.), Khagaul, Patna.
 2. Jawahar Lal S/o Late Newa Lal R/o Village Saidpura, P.S. Khagaul, District Patna. At present Lab Bearer (Lab Boy), J.N.L. College Khagaul, Patna.
 3. Arun Kumar S/o Mahavir Prasad R/o Mohalla Ranipur Khirki, Patna City, P.S. Mehdiganj. At present Peon, J.N.L. College Khagaul, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resource Development Department, Govt. of Bihar, Patna.
2. The Commissioner and Secretary, Human Resource Development Department (Higher and Secondary Education), Govt. of Bihar, Patna.
3. Chancellor, Universities of Bihar Raj Bhawan, Patna.
4. Chancellor, Magadh University, Raj Bhawan, Patna.
5. Vice Chancellor, Magadh University, Bodh Gaya.
6. Registrar, Magadh University, Bodh Gaya.
7. Principal, J.N.L. College, Khagaul, Patna.
8. Dr. Rajesh Sukla, Principal, J.N.L. College, Khagaul, Patna.
9. Dr. Shashi Shekhar Mishra, Bursar Jagat Narayan Lal College, Khagaul, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Mishra
For the State : Mr. Prabhu Narayan Sharma, AC to AG
For the University : Mr Girijish Kumar
For Respondent 8 : Mr Rambilash Mahto

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 24-04-2015

Some people think themselves to be larger than life and
larger than law and can dictate terms to one and all.

If the petitioners together use each and every method
available to them to terrorize and subjugate the other employees of
the college, the minimum which is required to be done is to effect
their transfer. In the normal course of things, may be a class IV or



Class III employee is not required to be transferred but when an impossible situation is created and that position has been confirmed by three member committee, constituted by the University, the respondents are left with no option short of dismissal. The report confirms that running of the college, the administration and educational atmosphere cannot be maintained, if these petitioners are allowed to work in the college. It cannot be the case of the petitioners that they are immune to any administrative action including transfer.

This Court is not willing to go into the allegations made by the petitioners against the Principal. The veracity of the same can always be gone into by the competent authority and if required, action taken against him. But that cannot be used as a reason for this Court to interfere with the order of transfer, which was necessitated by the conduct and action of these petitioners, which had crossed all limits of decency, which is evident from reading of the report of the enquiry committee.

A charge-sheet has now been drawn up. Petitioners' counsel says that they have not received it. The Court can only observe that it has been brought on record. Knowledge to counsel will amount to knowledge to petitioners as well. Let them do what is required to be done in pursuance thereto.

The Court is satisfied in totality of the materials and

prima facie evidence that transfer was necessitated and warranted in the interest of the college, the students and other teaching staff so that academic atmosphere can be maintained and students can pursue their pursuit of knowledge undisturbed without the activity of the petitioners.

Writ is dismissed.

The observation as above has been made with regard to conduct of the petitioners, based on what has emerged in the pleadings but that should not be treated as ultimate observation. Their omission and misconduct, if any, will have to be established in the enquiry.

(Ajay Kumar Tripathi, J)

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