

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11597 of 2016

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Raj Gautam, Son of Shrikant Prasad, Resident of Shivpuri Colony, Road, No. 2,
Post - Buniyadganj, P.S. Mufassil, District Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Chancellor of Universities of Bihar, Raj Bhawan, Patna.
3. Magadh University , Bodh Gaya through its Registrar.
4. Vice -Chancellor , Magadh University, Bodh Gaya.
5. Registrar, Magadh University, Bodh Gaya.
6. Financial Adviser, Magadh University, Bodh Gaya.
7. University Engineer, Magadh University, Bodh Gaya.
8. Dr. Md. Ishtiyaque Son of not known to the Petitioner, Presently Posted and working as the Vice Chancellor , Magadh University, Bodh Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Abhinav Shrivastava, Advocate
For the Hon'ble Chancellor : Mr. Rajendra Kumar Giri, Advocate
For respondent No.8 : Mr. Jitendra Singh, Sr. Advocate,
Mr. Rajeev Kumar Singh,
Mr. Piyush Lall, Advocates
For the Magadh University : Mr. Vipin Kumar,
Mr. Nirmal Kr. Singh, Advocates

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 27-09-2016

Heard Mr. Abhinav Shrivastava, learned Counsel for the petitioner, and Mr. Rajendra Kumar Giri, learned Counsel for the Chancellor. We have heard also Mr. Jitendra Singh, learned Senior counsel for the respondent No.8, and Mr. Vipin Kumar, learned Counsel for the Magadh University.

The grievance of the writ petitioner, made in this writ petition, under Article 226 of the Constitution of India, in the nature of Public Interest Litigation, relates to alleged violation of the provisions of Rule 12(a) of the Bihar State Universities Act, 1976, by the respondent State in various ways.

From the affidavit, which has been filed on behalf of the Chancellor, it transpires that a complaint has been received against respondent Nos.4 and 5, namely, the Vice Chancellor and the Registrar of the Magadh University, Bodh Gaya, respectively and explanations have been directed to be furnished by them to the Office of the Chancellor. As far as respondent No.4 is concerned, his explanation has already been received by the office of the Chancellor and the same is under active consideration of the Chancellor. So far as the Registrar, Magadh University, Bodh Gaya, is concerned, his explanation has not yet been received by the office of the Chancellor. It has been asserted, in paragraph No.11 of the affidavit, that endeavor would be made to ensure that the Universities are run exactly in the manner as the Universities are required to be run as per the Universities Acts and Statutes.

In view of the fact that the respondent No.1, who is the Chancellor of the University, is already *in sesin* of the matter, it would be appropriate that necessary suitable steps be taken at the

level of respondent No.1. We have carefully considered the different aspects, but restrain ourselves from making any comment on the correctness or veracity of the various allegations of breach of law, which have been made by the petitioner.

We close this writ petition with liberty granted to the petitioner to approach this Court with appropriate application, in future, if the situation so warrants, and/or take recourse to appropriate provisions of law as may be permissible.

(I. A. Ansari, CJ)

(Dr. Ravi Ranjan, J)

Prakash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	6/10/2016
Transmission Date	NA