

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8620 of 2013

Dr. Birendra Kumar Singh S/O Late Sheoratan Singh R/O Village- Maujurkha,
P.O.- Choukhar, P.S.- Aurangabad (Muffasil), District- Aurangabad

.... Petitioner/s

Versus

1. Magadh University, Bodh Gaya Through Its Registrar
2. The Vice-Chancellor, Magadh University, Bodh Gaya, District- Gaya
3. The Inspector Of College (Arts And Commerce), Magadh University, Bodh Gaya, District- Gaya
4. The Ad-Hoc Committee, Anugrah Narain Sinha Memorial College, Aurangabad Through Its Secretary
5. Dr. Ayodhaya Kumar Singh S/O Late Deonandan Singh Village- Ranubigha, P.O.- Poiwa, P.S.- Aurangabad (Muffasil), Aurangabad

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Adv.
For the Resp. No.5 : Mr. S.D. Sanjay, Sr. Adv.
Mr. Abhishek Kumar, Adv.
For the University : Mr. Vipin Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 29-06-2016

Heard learned counsel for the petitioner and counsel for the State.

In this case, the petitioner has raised a grievance that the respondent no.5 should be restrained to interfere in the working of the petitioner as he has been discharging the duty of In-charge Principal of Anugrah Narain Sinha Memorial College, Aurangabad. Admittedly it is a private affiliated college. The dispute is who will lead the college as a Principal. Earlier this Court, vide order dated 16.3.2012 passed in CWJC No. 10372 of 2011, had directed for the constitution of regular governing body. Till the constitution of regular governing body, ad-hoc governing body was only entitled to do day-to-day function and was not authorized to

take any major administrative and financial decision. Learned counsel for the petitioner has submitted that the Governing Body has been constituted on 17.4.2014 and any major decision taken by the Ad hoc Governing Body, is per-se illegal.

This matter can be challenged by the petitioner before the appropriate civil court and, if the petitioner, so advised, may file suit before the properly constituted civil court for his relief.

Learned counsel for the petitioner has submitted that he has not received any grant.

If that be so, the petitioner is permitted to file a representation before the Principal Secretary of the Education Department who will examine the case of the petitioner and pass order in accordance with law taking into consideration that the grant of the State should go to the right person. If the representation is filed by the petitioner, the same must be disposed of by the competent authority within a period of three months from the date of filing of the representation.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	5.7.2016
Transmission Date	NA