

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3398 of 2016

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Dr. Deo Chandra Choudhary son of Late Tripta Narayan Choudhary, Resident of
Village - Tatuvar, P.O. - Tatuvar, P.S. -Manigachi, District - Darbhanga.

.... Petitioner/s

Versus

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

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava
Mr. Rajesh Kumar Singh
For the Respondent/s : Mr. Ajay Behari Sinha
Mr. Nadeem Siraj
Mr. Chandra Mohan Singh

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 27-04-2016

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

An order of transfer passed against certain teachers of the
University including the present petitioner, whose name figures at
serial No.6, is the bone of contention in the present writ application.

Petitioner wants quashing of the notification dated
25.01.2016, contained in Annexure-8. Annexure-8, in fact, has been
issued in the background of the resolution/decision of the Transfer
Committee, contained in Annexure-10.

Learned counsel representing the petitioner submits that the
order of transfer is arbitrary, unreasonable and in violation of the
statutory principles of the Bihar State Universities Act. He submits

that the Joint Transfer Committee could not take a decision on the transfer of the petitioner and that there was no clear directive issued by the Division Bench to effect a transfer.

For record, it may be noticed that an earlier decision of transfer taken against the petitioner and some other teachers were challenged before this Court. Since legal infirmities being found in the said decisions, those orders came to be quashed, which included a writ application of the present petitioner as well. Since the University was not satisfied with the decision rendered by the learned Single Judge, matter travelled to Division Bench. The decision of the Division has been brought on record by the petitioner himself as Annexure-7 and reading of the same does indicate that leeway was granted to the University to act in accordance with law. There could not be a complete embargo on the powers of the Vice-Chancellor of the University effecting transfer merely because they did not follow the law or the procedure in the earlier decision.

From perusal of Annexure-10 itself it is evident that the Committee met and took a decision not only with regard to the present petitioner but five other teachers in the background of the observation or decision of the Division Bench, coupled with the fact that the University was of the opinion that the institutions in question where transfer had been effected were required to be manned by the right

people in view of a visit by the NAAC team for gradation of the institutions.

The submission of the counsel with regard to the validity of having a joint meeting of the Transfer Committee as well as the approval of the same by the Syndicate and its validity has been gone into by the Court. It does not find any infirmity in the two decisions. The two meeting dated 23.01.2016 are not required to be a prolonged deliberation running into days. Initially a picture was sought to be painted by the petitioner that such a decision was taken to target him or is being done for other oblique reason but the Court does not agree with the perception of the petitioner.

Perception of the petitioner cannot form the basis for interfering with the impugned order. The Court opines that there is no legal infirmity in the decision so taken in terms of Annexure-10 and if that is so, Annexure-8 is the natural corollary which is a follow-up notification to implement the decision of the Transfer Committee.

Writ application is dismissed being devoid of merit.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	28/04/2016
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