

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10344 of 2016

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1. Dr. Md. Abu Hasnat, son of Late Md. Abdullah Sayeed Nadvi, Associate Professor, Department of Commerce, B.D. Evening College, Patna, presently residing at Khajoorbanna, Desnavi House, P.O. Mahendru, P.S. Sultanganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Vice-Chancellor, Magadh University, Bodh-Gaya.
4. The Registrar, Magadh University, Bodh-Gaya.
5. The Principal, B.D. Evening College, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shahabuddin Azeem @ S. Azeem

For the Respondent/s : Mr. Din Bandhu Singh- Gp9

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 14-07-2016 The petitioner submits that he was an Associate Professor of Commerce in B.D. Evening College, Mithapur, Patna. He has been put under suspension vide order, dated 24.2.2010, w.e.f. 6.9.2009. He seeks to challenge the order of suspension on more than one ground. He submits that under the amended provisions of Clause 10 of the General Conditions of Service Statute, the power of suspension is vested with the Syndicate and the Vice Chancellor would only give effect to it. He next submits that under clause 10(2) of the General Conditions of Service Statute, a University servant can be put under suspension only on initiating a

departmental proceeding.

Learned counsel appearing for the University submits that the petitioner has an alternative remedy by way of appeal before the learned Chancellor under section 9(4) of the Bihar State Universities Act.

Without going into the merit of the case, this writ application is disposed of with a request to the learned Chancellor that in case the petitioner files an appeal, the delay in filing of the same would be sympathetically condoned and the case may be disposed of on its own merit.

So far as prayer for subsistence allowance is concerned, the petitioner would file a representation before an appropriate authority who would dispose of the same in accordance with the provisions with respect to subsistence allowance.

(Samarendra Pratap Singh, J)

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