

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4349 of 2009

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In the matter of Prof.(Dr.) Akhilesh Kumar Verma, aged about 70 years, S/o Late Jagdam Sahay, Moh-Parow Pokhar Lane No.3, Amgola, Post- Ramna, P.S Kazi Mohammadpur, Distt- Muzaffarpur

... .. Petitioner/s

Versus

1. State of Bihar through The Chancellor, Bihar
2. The Secretary Higher Education, Govt. Of Bihar, Patna Sri Anjani Pd. Sinha
3. The Director Higher Education, Govt. Of Bihar, Patna, Sri K.K. Pathak
4. The Vice-Chancellor, B.R.A. Bihar University, Muzaffarpur, Sri Rajdeo Singh
5. The Secretary, Bihar College Services Commission, Patna, not in function
6. The President Governing Body, Shyamnandan Sahay College, Muzaffarpur Sri Ravi Nandan Sahay
7. The Secretary, Governing Body, Shaymnandan Sahay College, Muzaffarpur, Shri Shashi Pd. Bhushan Sinha

... .. Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 10-11-2017

Inter alia contending that the claim of the petitioner for grant of benefit with regard to payment of salary and other dues have not been considered and inspite of directions issued by this Court on 09.07.2009 in C.W.J.C. No. 1255 of 2006 the Vice Chancellor of the respondent University namely Babasaheb Bhimrao Ambedkar Bihar University the representation has not been decided, this contempt application has been filed.

The University has filed their show-cause and in



the show-cause it is indicated that the Vice Chancellor under the Bihar State Universities Act, 1976 is required to consider the recommendations made by the Governing Body of the College which is affiliated to the University and in the case of an affiliated University at the very first instance in the matter of payment of salary and other dues the recommendation is made after a decision is taken by the Governing Body and thereafter the Vice Chancellor approves the same as per the statutory provisions and funds are released by the State Government.

It is the case of the University in the show-cause that until and unless the matter is referred to the Governing Body and the Governing Body forwards it to the Vice Chancellor, no action can be taken.

In the order passed on 09.07.2009 the Vice Chancellor was directed to take action and now if under the statute the Vice Chancellor has to follow a detailed procedure for taking action, it is not appropriate to initiate contempt action against the Vice Chancellor as the University has pointed out the statutory provision based on which action is required to be taken. However, the Governing Body was not a party in the writ petition, there was no direction to the Governing Body. That being so, in case the applicant has any grievance still subsisting



with regard to the issue in question he may submit his representation and claim as directed by this Court on 09.07.2009 in C.W.J.C. No. 1255 of 2006 to Respondent Nos. 6 and 7. The President Governing Body of Shyam Nandan Sahay College, Muzaffarpur through the Secretary, Governing Body, Respondent No. 7 and on the same being done, said respondent shall consider and take a decision on the recommendation and forward it to the Vice Chancellor within a period of two months of its receipt and the Vice Chancellor shall take a decision within one month thereof.

With the aforesaid, this application stands disposed of.

(Rajendra Menon, CJ)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	14.11.2017
Transmission Date	

