

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.12605 of 2015**

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Arun Kumar Pandit, Son of Ramvat Pandit, R/o Village- Patsara, P.S.- Piyar,  
District- Madhubani

.... .... Petitioner/s

Versus

1. The State of Bihar through its Commissioner cum Principal Secretary,  
Education Department, New Secretariat, Patna
2. The Agriculture Production Commissioner cum Principal Secretary,  
Agriculture Department, Government of Bihar, Patna
3. The Chancellor University of Bihar and Rajendra Agriculture University, Raj  
Bhawan, Patna
4. The Rajendra Agriculture University through its Registrar, Pusa Samastipur,  
Bihar
5. The Bihar Agriculture University through its Registrar, Sabour Bhagalpur
6. The Vice Chancellor Bihar Agriculture University, Sabour District- Bhagalpur

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate

For the Respondent/s : Mr. Lalit Kishore, PAAG-I

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

**Date: 20-12-2016**

Heard learned counsel for the parties.

2. The petitioner has invoked the writ jurisdiction of  
this Court in public interest in respect of non-appointment of regular  
Vice Chancellor and of *ad hoc* arrangements to discharge the duties of  
Vice Chancellor by appointing interim Vice Chancellors.

3. Mr. Lalit Kishore, learned Principal Additional  
Advocate General states that out of 10 Universities in the State,  
regular Vice Chancellors have been appointed in seven Universities



whereas, three Universities are being manned by the interim Vice Chancellors. He states that the process of appointment of Vice Chancellors of the remaining Universities is in progress.

4. Mr. Lalit Kishore refers to sub-section (2) of Section 10 of the Bihar State Universities Act, 1976 to submit that the Vice Chancellors are required to be appointed by the Chancellor in consultation with the State Government. It is submitted that it is the office of the Chancellor who constitutes a Search Committee and on the basis of recommendation of the Search Committee; a decision is taken by the Chancellor to appoint a Vice Chancellor in consultation with the State Government.

5. We find that the constitution of the Search Committee is provided in Section 10 (1)(iii) of the Act. The Search Committee consists of three persons. Only one is to be nominated by the Chancellor from amongst an eminent Scholar/Academician of national repute or a recipient of Padma Award in the field of education. The other two are the officials to be nominated by the State Government.

6. We find that the State cannot say that it has no role since the Chancellor is to make appointments. The State is required to undertake ministerial actions so as to facilitate appointment of the Vice Chancellors. The State cannot pass the burden to the Hon'ble



Chancellor of not completing the appointment process.

7. Consequently, we dispose of the present writ application with direction to the State Government to take expeditious steps for appointment of Vice Chancellors and seek consent of the Chancellor for appointment expeditiously, preferably within a period of three months from today.

**(Hemant Gupta, ACJ)**

**(Dinesh Kumar Singh, J)**

P.K.P.

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